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Matt Blunt
Secretary of State

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REGISTER**

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MISSOURI



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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule.

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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 26, *Missouri Register*, page 27. The approved short form of citation is 26 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1 Department	CSR	10- Agency, Division	1. General area regulated	010 Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part I., subpart (a), item I. and subitem a.

RSMo—Cite material in the RSMo by date of legislative action. The note in parentheses gives the original and amended legislative history. The Office of the Revisor of Statutes recognizes that this practice gives users a concise legislative history.

FROM THIS ANGLE . . .

First rulemaking class a BIG success!!

Our first rulemaking class was a big success — the Department of Social Services had so many reservations, it became necessary to split their class into two segments!! We appreciate the response and hope the first class was helpful.

We are busy scheduling other classes — have you scheduled yours yet? We are pleased to provide whatever level of training you deem appropriate and will tailor the topics/agenda for your respective agency.

Delegation of Authority

In late September, we sent a letter to the Directors of the various departments and agencies, together with a "suggested" form for completion, with appropriate names and signatures, of the delegation of authority for rulemaking purposes. This will serve as a reminder that if you have not returned your form delegating authority to the proper personnel, together with properly executed signatures, on behalf of your agency for the rulemaking process, this needs to be done as soon as possible. This delegation will extend to *all phases* of the rulemaking process, from the cover letter, to the affidavit for the actual rulemakings. This is a *slight* policy change from past practice. We need for each agency to file with our office the properly executed delegations if you have not done so since September. Thanks for your cooperation in this regard — this is for the protection of your agency, as well as our agency and to ensure that rulemakings for your agency are filed only by authorized personnel.

Moving Rules . . . Caution . . . Need Help?

If your agency is contemplating a new rule or moving a rule, please use caution and be certain that you do not attempt to utilize a rule number that already exists. If you need assistance in selecting a rule number, please feel free to contact a member of the Administrative Rules staff.

How may we better serve you, our customers?

We are always seeking ways in which we may serve you, our customers, better. Please remember we are here to assist you in any stage of the rulemaking process, help you locate the history of a rulemaking, or simply walk you through the process of preparing your rule packets. Additionally, please remember, if you prefer, you may anonymously suggest a service or improvement by filling out a blank and dropping it in our suggestion box (located at our front desk).

We hope you all enjoyed a Happy Thanksgiving, didn't consume too much turkey, and are looking forward to a wonderful holiday season.

As always, we are here to assist you with any stage of the rulemaking process; or with any other matter pertaining to rules. Please let us know how we may be of help.



Lynne C. Angle,
Director, Administrative Rules Division

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than 180 calendar days or 30 legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

The scope of this rule is limited to the circumstances which created this emergency and complies with the protection extended in the Missouri and United States Constitutions. In developing this rule the agency has encouraged discussion with interested parties and provided them the opportunity to offer their comments. The agency believes this emergency amendment to be fair to all persons and parties under the circumstances. This emergency amendment was filed on November 2, 2001, effective November 12, 2001, expires May 10, 2002.

(13) Miscellaneous and Exotic Animals. All exotic animals must be accompanied by an official Certificate of Veterinary Inspection showing an individual listing of the common and scientific name(s) of the animal(s) and appropriate descriptions of animal(s) such as sex, age, weight, coloration and the permanent tag number, brand or tattoo identification.

(D) [Elk and deer may enter Missouri in compliance with Cervidae Uniform Methods and Rules for Brucellosis and the Cervidae Uniform Methods and Rules for Tuberculosis.] **Cervidae entering Missouri must have a permit issued by the state veterinarian's office before they enter the state. Cervidae that enter Missouri must be in compliance with the Cervidae Uniform Methods and Rules for Brucellosis and Tuberculosis.** Elk, red deer, reindeer, fallow deer and sika deer six (6) months of age and over must have one (1) approved negative brucellosis test within thirty (30) days prior to [shipment] movement. **Cervidae originating from certified brucellosis-free herds may enter on the current herd number and test date.**

1. All *cervidae* [six (6) months] **one (1) year** of age and [over] **younger** must have [a] **one (1)** negative tuberculosis test using the single cervical method [or BTB test] within ninety (90) days prior to [shipment] movement. All *cervidae* **one (1) year and over** must have two (2) negative tuberculosis tests, not less than ninety (90) days apart, using the single cervical method, within ninety (90) days prior to movement. *Cervidae* originating from accredited, monitored or qualified TB *cervidae* herds may enter on the current herd number and test date.

2. Any *cervidae* from an area that has been reported as a Chronic Wasting Disease (CWD) endemic area or any *cervidae* that has been in any endemic area in the last five (5) years will not be allowed to enter Missouri.

AUTHORITY: section 267.645, RSMo [1994] 2000. This version of rule filed Jan. 24, 1975, effective Feb. 3, 1975. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed Nov. 2, 2001, effective Nov. 12, 2001, expires May 10, 2002. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 30—Animal Health
Chapter 2—Health Requirements for Movement of
Livestock, Poultry and Exotic Animals**

EMERGENCY AMENDMENT

2 CSR 30-2.010 Health Requirements Governing the Admission of Livestock, Poultry and Exotic Animals Entering Missouri.
The director is amending subsection (13)(D).

PURPOSE: This amendment changes the requirements for *cervidae* entering the state of Missouri to protect Missouri livestock and wildlife from the importation of diseases that potentially pose a threat to the public health, safety and welfare.

EMERGENCY STATEMENT: The State Veterinarian has determined that Chronic Wasting Disease and Tuberculosis could potentially be devastating to Missouri livestock and wildlife. These diseases potentially pose an immediate threat to the public health, safety and welfare.

The agency has weighed the compelling governmental interest against the due process rights of the public to notice and comment. In light of potential threat to the public health, there is a compelling governmental interest to enact this rule through emergency rulemaking.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 30—Animal Health
Chapter 2—Health Requirements for Movement of
Livestock, Poultry and Exotic Animals**

EMERGENCY AMENDMENT

2 CSR 30-2.040 Animal Health Requirements for Exhibition.
The director is amending subsection (9)(D).

PURPOSE: This amendment changes *cervidae* requirements for exhibition to protect Missouri Livestock and wildlife from importation of diseases that potentially pose a threat to the public health, safety and welfare.

EMERGENCY STATEMENT: The state veterinarian has determined that Chronic Wasting Disease and tuberculosis could

potentially be devastating to Missouri livestock and wildlife. These diseases potentially pose an immediate threat to the public health, safety and welfare.

The agency has weighed the compelling governmental interest against the due process rights of the public to notice and comment. In light of potential threat to the public health, there is a compelling governmental interest to enact this rule through emergency rulemaking.

*The scope of this rule is limited to the circumstances which created this emergency and complies with the protection extended in the **Missouri and United States Constitutions**. In developing this rule the agency has encouraged discussion with interested parties and provided them the opportunity to offer their comments. The agency believes this emergency amendment to be fair to all persons and parties under the circumstances. This emergency amendment was filed on November 2, 2001, effective November 12, 2001, expires May 10, 2002.*

(9) Miscellaneous and Exotic Animals. All exotic animals must be accompanied by an official Certificate of Veterinary Inspection showing an individual listing of the common and scientific name(s) of the animal(s) and appropriate descriptions of animal(s) such as sex, age, weight, coloration and the permanent tag number, brand or tattoo identification.

(D) [Elk and deer may exhibit in Missouri in compliance with the Cervidae Uniform Methods and Rules for Brucellosis and Cervidae Uniform Methods and Rules for Tuberculosis.] **Cervidae entering Missouri must have a permit issued by the state veterinarian's office before they enter the state. All cervidae that enter Missouri must be in compliance with the Cervidae Uniform Methods and Rules for Brucellosis and Tuberculosis.** Elk, red deer, reindeer, fallow deer and sika deer six (6) months of age and over must have one (1) approved negative brucellosis test within thirty (30) days prior to exhibition. Cervidae originating from certified brucellosis-free herds may exhibit on the current herd number and test date.

1. All cervidae [six (6) months] **one (1) year of age and younger** must have [a] **one (1)** negative tuberculosis test using the single cervical method [or BTB test] within ninety (90) days prior to exhibition. **All cervidae one (1) year of age and over must have two (2) negative tuberculosis tests, not less than ninety (90) days apart, using the single cervical method within ninety (90) days prior to exhibition.** Cervidae originating from accredited, **monitored or qualified** TB cervidae herds may exhibit on the current herd number and test date.

2. Any cervidae from an area that has been reported as a Chronic Wasting Disease (CWD) endemic area or any cervidae that has been in any endemic area in the last five (5) years will not be allowed to enter Missouri.

AUTHORITY: section 267.645, RSMo [1994] **2000.** Emergency rule filed June 28, 1977, effective July 8, 1977, expired Nov. 5, 1977. Original rule filed June 28, 1977, effective Oct. 13, 1977. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed Nov. 2, 2001, effective Nov. 12, 2001, expires May 10, 2002. A proposed amendment covering this same material is published in this issue of the **Missouri Register**.

Title 2—DEPARTMENT OF AGRICULTURE Division 30—Animal Health Chapter 6—Livestock Markets

EMERGENCY AMENDMENT

2 CSR 30-6.020 Duties and Facilities of the Market/Sale Veterinarian. The director is amending subsection (7)(D).

PURPOSE: This amendment changes the requirements of cervidae sold through a licensed livestock market/sale in the state of Missouri to protect Missouri livestock and wildlife from importation of diseases that potentially pose a threat to the public health, safety and welfare.

EMERGENCY STATEMENT: The State Veterinarian has determined that Chronic Wasting Disease and Tuberculosis could potentially be devastating to Missouri livestock and wildlife. These diseases potentially pose an immediate threat to the public health, safety and welfare.

The agency has weighed the compelling governmental interest against the due process rights of the public to notice and comment. In light of potential threat to the public health, there is a compelling governmental interest to enact this rule through emergency rulemaking.

*The scope of this rule is limited to the circumstances which created this emergency and complies with the protection extended in the **Missouri and United States Constitutions**. In developing this rule the agency has encouraged discussion with interested parties and provided them the opportunity to offer their comments. The agency believes this emergency amendment to be fair to all persons and parties under the circumstances. This emergency amendment was filed on November 2, 2001, effective November 12, 2001, expires May 10, 2002.*

(7) Miscellaneous and Exotic Animals. All exotic animals presented for exchange, barter, lease or sale at a licensed livestock market/sale must be accompanied by an official Certificate of Veterinary Inspection showing an individual listing of the common and scientific name/s/(s) of the animal(s) and appropriate descriptions of animal(s) such as sex, age, weight, coloration and the permanent tag number, brand or tattoo identification.

(D) [Elk and deer may be sold through a market/sale in Missouri in compliance with the Cervidae Uniform Methods and Rules for Brucellosis and the Cervidae Uniform Methods and Rules for Tuberculosis.] **Cervidae entering Missouri must have a permit issued by the state veterinarian's office before they enter the state. Cervidae that enter Missouri must be in compliance with the Cervidae Uniform Methods and Rules for Brucellosis and Tuberculosis.** Elk, red deer, reindeer, fallow deer and sika deer six (6) months of age and over must have one (1) approved negative brucellosis test within thirty (30) days prior to arrival at the market/sale. Cervidae originating from certified brucellosis-free herds may be sold through a market/sale on the current herd number and test date.

1. All cervidae [six (6) months] **one (1) year of age and [over] younger** must have [a] **one (1)** negative tuberculosis test using the single cervical method [or BTB test] within ninety (90) days prior to arrival at the market/sale. **All cervidae one (1) year of age and over must have two (2) negative tuberculosis tests, not less than ninety (90) days apart, using the single cervical method within ninety (90) days prior to arrival at the market/sale.** Cervidae originating from accredited, **monitored or qualified** TB cervidae herds may be sold through a market/sale on the current herd number and test date.

2. Any cervidae from an area that has been reported as a Chronic Wasting Disease (CWD) endemic area or any cervidae that has been in any endemic area in the last five (5) years will not be allowed to enter Missouri.

AUTHORITY: section 277.160, RSMo [Supp. 1998] **2000.** Original rule filed June 15, 1990, effective Dec. 31, 1990. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed Nov. 2, 2001, effective Nov. 12, 2001, expires May 10, 2002. A proposed amendment covering this same material is published in this issue of the **Missouri Register**.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 240—Public Service Commission
**Chapter 13—Service and Billing Practices for
Residential Customers of Electric, Gas and Water
Utilities**

EMERGENCY AMENDMENT

4 CSR 240-13.055 Cold Weather Maintenance of Service: Provision of Residential Heat-Related Utility Service During Cold Weather. The commission is amending the rule to add a section (13).

PURPOSE: This emergency amendment modifies the existing provisions of this rule (known as the "Cold Weather Rule") to: provide more lenient terms for reconnection of gas utility service to disconnected residential customers, prohibit assessing or billing of deposits, prohibit the assessment of late payment charges on deferred amounts, prohibit interest charges on account balances for the deferral period, require application of existing deposits and accrued interest to avoid discontinuance of service or reduce the amount needed to avoid discontinuance of service, and to allow the gas utilities to collect expenses associated with this emergency amendment.

EMERGENCY STATEMENT: This emergency amendment temporarily modifies in part the existing provisions of the Commission's Cold Weather Rule to ease restoration of service requirements to residential customers of gas utilities and to allow the gas utilities to collect expenses associated with this emergency amendment. Many customers were disconnected as a result of arrearages due to the extraordinary combination of extremely cold weather and record high market prices for natural gas last winter. Under the provisions of the Cold Weather Rule, utilities may require payment from some customers of all arrearages as a condition of restoration of service. In its Order Finding Necessity for Rulemaking issued November 6, 2001, the Missouri Public Service Commission found that amendments to the Cold Weather Rule were necessary. For the same reasons, the Missouri Public Service Commission finds that there is an immediate danger to the public health, safety, and welfare and a compelling governmental interest because thousands of Missourians face immediate and irreparable harm from the impending winter weather without a source of heat. This immediate danger requires emergency action. Because the emergency results from the extraordinary conditions of last winter, and will be addressed for this winter by this emergency amendment, no permanent change to the cold weather rule is being proposed at this time. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri and United States Constitutions**. The procedures followed by the Missouri Public Service Commission included the opportunity for interested entities, including representatives of all Missouri regulated natural gas local distribution companies, to file pleadings commenting on a draft of proposed amendments prepared by the Staff of the Missouri Public Service Commission, to file pleadings proposing their own amendments, and to offer sworn testimony on the record. The Missouri Public Service Commission believes this emergency amendment is fair to all interested parties under the circumstances. This emergency amendment was filed on November 8, 2001, effective November 18, 2001 and expires March 31, 2002.

(13) Special Provisions for Restoration of Service for the 2001–2002 Heating Season. This amendment only applies to providers of natural gas services. Other providers of heat-relat-

ed utility services will continue to provide such service under the terms of sections (1) through (12) of this rule. The provisions of sections (1) through (12) of this rule continue to apply to providers of natural gas service except where inconsistent with the terms of this section.

(A) Notwithstanding section (8)(C)(2) of this rule to the contrary, the gas utility shall restore service upon initial payment of twenty-five (25) percent of the preexisting arrears or \$250, whichever is less, with the deferred balance to be paid in equal installments over the following eighteen (18) months. The customer and the gas utility may by mutual agreement reduce or extend the installment period. Any reconnection fee, trip fee, collection fee or other fee related to reconnection, disconnection or collection shall also be deferred. Any customer threatened with disconnection may retain service by entering into a payment plan as described in this paragraph, and all disconnect notices shall inform customers of this option. Any payment plan entered into under this emergency amendment shall remain in effect (as long as its terms are adhered to) for the term of the payment plan even after the effective period of this amendment has expired.

(B) Default on an agreement entered into under this section can be cured by payment of all installments delinquent under the agreement.

(C) No deposits shall be required of any customer under this section except for amounts owed due to unauthorized interference, diversion or unauthorized use of the gas utilities service.

(D) Notwithstanding section (5) of this rule to the contrary, before discontinuance of service for nonpayment of a delinquent amount, the natural gas utility shall apply the balance of any of the customer's security deposit plus accrued interest to the delinquent amount to eliminate or reduce the amount required to avoid the discontinuance. This section shall not apply to customers who have an amount owed due to unauthorized interference, diversion or unauthorized use of the gas utilities service.

(E) Late payment charges shall not be assessed on the deferral amount of any agreements entered into under this section, nor shall the utility charge customers interest on the account balance for the deferral period.

(F) The Commission shall grant an Accounting Authority Order, as defined in subsection (G), below, upon application of a gas utility, and the gas utility may book to Account 186 for review, audit and recovery all incremental expenses incurred and incremental revenues that are caused by this emergency amendment. Any such Accounting Authority Order shall be effective until September 30, 2003.

(G) The Commission has adopted the Uniform System of Accounts in 4 CSR 240-4.040. Accounting Authority Orders are Commission orders that allow a utility to defer certain expenses to Account 186 under the Uniform System of Accounts for possible recovery later. *State ex rel. Office of the Public Counsel v. Public Service Commission*, 858 S.W.2d 806 (Mo. App. 1993); *Missouri Gas Energy v. Public Service Commission*, 978 S.W.2d 434 (Mo. App. 1998).

(H) This section shall be in effect through March 31, 2002.

AUTHORITY: sections 386.250, 393.130 and 393.140, RSMo [1994] 2000. Original rule filed June 13, 1984, effective Nov. 15, 1984. Amended: Filed Dec. 30, 1992, effective Oct. 10, 1993. Amended: Filed March 10, 1995, effective Jan. 30, 1996. Emergency amendment filed Nov. 8, 2001, effective Nov. 18, 2001, expires March 31, 2002.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division

EMERGENCY AMENDMENT

11 CSR 50-2.320 School Bus Inspection. The division proposes to amend subsections (2)(D), (2)(E), (3)(A), (3)(E), (5)(B), (5)(C), paragraph (5)(F)9., subsections (7)(A)–(7)(D), subsections (9)(A), (9)(C), (13)(A), (13)(B), paragraph (13)(B)1., subsection (15)(A), amend section (16), add new subsections (16)(A) and (16)(B), reletter the remaining subsections, add new paragraph (16)(D)6., amend subsections (18)(A), (18)(B), (18)(E), (21)(A), (22)(F), delete subsection (22)(G) and reletter the remaining subsections accordingly.

PURPOSE: This proposed amendment attempts to clarify items required to be inspected on school buses and to bring the rules into conformity with the National School Bus Standards.

EMERGENCY STATEMENT: This emergency amendment will help assure public health, safety and welfare by providing procedures for the inspection of school buses that conform to the National School Bus Standards. Rules need to be in place whenever the patrol conducts its annual inspection. The patrol finds an immediate danger to public health safety and welfare to children riding school buses and a compelling governmental interest which requires this action. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The patrol believes this emergency regulation to be fair to all interested persons and parties under the circumstances. This emergency amendment was filed November 1, 2001, effective February 1, 2002, expires May 31, 2002.

(2) Lighting Equipment and Signalling Devices.

(D) Stop/Taillights. Types A-I, B, C and D school buses shall be equipped with two (2) red stoplights seven inches (7") in diameter (prior to December 1988, six inches (6") in diameter), or if a shape other than round, a minimum of thirty-eight (38) square inches of illuminated area and two (2) red stop/taillights four inches (4") in diameter, or if a shape other than round, a minimum of twelve (12) square inches of illuminated area. The four-inch (4") stop/taillights shall operate in combination with the seven-inch (7") stoplights on school buses manufactured after December 31, 1988, when the service brake is applied. All stop/taillights must operate if so equipped. Type A-II buses with bodies supplied by chassis manufacturer may have manufacturer's standard stop and tail lamps.

(E) Turn Signals. Type B, C and D school buses manufactured prior to January 1, 1993, shall be equipped with turn signals as originally equipped by the manufacturer. Type B, C and D school buses manufactured after January 1, 1993, shall be equipped with front and rear flashing turn signals **amber in color** at least seven inches (7") in diameter or if a shape other than round, a minimum of thirty-eight (38) square inches of illuminated area is required. [Turn signals may be in the manufacturer's standard color.] Type A [and B] conversion vehicle['s [turn signal lamps] must be equipped with front and rear turn signal lamps providing twenty-one (21) square inches of illuminated area in the manufacturer's standard color. If a school bus is equipped with side mounted turn signals, each must operate as intended.

(3) Lettering and Signs.

(A) School buses shall have on the front and rear or on signs attached to them the words SCHOOL BUS plainly visible in black letters at least eight inches (8") in height. School buses shall have displayed on the rear in plain and distinct black letters

the following: STATE LAW: STOP WHILE BUS IS LOADING AND UNLOADING. The letters in the words STATE LAW: STOP shall be at least five inches (5") and the letters in the other words at least three inches (3") in height. District-owned school buses shall display on each side the name and number of the school district in black letters at least three inches (3") in height. Buses manufactured prior to October 1, 1981, may display the school district name and number with national school bus yellow lettering. Privately-owned school buses shall display on each side, in a conspicuous location, the name and address of the owner in black letters at least two inches (2") in height with a stroke of not less than one-quarter of an inch (1/4") wide. [Buses with wheelchair lifts used for transporting handicapped children may display universal handicapped symbols on front and rear of vehicle below the window line. Emblems must be white on blue and not exceed twelve inches (12") in size.] **Signs or stickers on the rear of the bus not relating to school bus flashing signal lamps, railroad stop procedures or other similar safety messages are prohibited.**

(E) Reject vehicle if:

1. Vehicle does not display the proper lettering; [or]
2. Sign is improperly located, incorrect size or poses a safety hazard [.]; or
3. **Signs or stickers are non-safety related.**

(5) Exhaust System.

(B) The tailpipe shall be constructed of a corrosion-resistant tubing material at least equal in strength and durability to sixteen (16)-gauge steel tubing. The tailpipe shall be of sufficient length to exit at the rear of the bus or at the left side no more than eighteen inches (18") forward of the rear wheel house opening, and shall [not protrude from the bus] **be flush with or may extend not more than two inches (2") beyond the perimeter of the body or bumper.**

(C) Type A and B buses may be equipped with the manufacturer's standard tailpipe.

(F) Reject vehicle if:

1. A manifold, manifold gasket, flange gasket or a connection of any other component is loose or leaking;
2. Holes are present in the exhaust pipe, muffler, tailpipe or if there are leaking patches or seams (Patches made with an arc or acetylene weld are accepted.);
3. The tailpipe end is pinched or broken off from rear support bracket;
4. Any part of the system is supported by wire or if any component is not securely attached by supporting hardware, such as bolts, brackets, clamps or hangers;
5. The vehicle has no exhaust pipe, muffler or tailpipe;
6. Any part of the system passes through the occupant compartment;
7. The tailpipe fails to discharge exhaust from the rear or left side of vehicle or if it exits beneath a fuel fill on Type C and D buses;
8. The tailpipe of a school bus is not a sixteen (16)-gauge steel or equivalent; or
9. The tailpipe [protrudes from the bus] **is not flush with or extends more than two inches (2") beyond the perimeter of the body or bumper.**

(7) Bumper.

(A) Rear Bumper. Types A-I, B, C and D school buses shall be equipped with a rear bumper of pressed steel at least three-sixteenths inch (3/16") thick and eight inches (8") wide **(nine and one-half inches (9 1/2")) if manufactured after January 1, 1997.** The bumper shall wrap around the back corners of the school bus and extend forward at least twelve inches (12"). The bumper shall extend at least one inch (1") beyond the rearmost part of the body surface and shall be properly attached to prevent the

hitching of rides. Type A-II school buses may be equipped with the manufacturer's standard rear bumper.

(B) Front Bumper. School buses shall be equipped with a front bumper, which may include an energy absorbing bumper. All school buses manufactured after March 1, 1987, shall be equipped with a front bumper made of pressed steel at least three-sixteenths inch (3/16") thick and not less than eight inches (8") wide, unless using an energy absorbing bumper. **Type A buses may be equipped with the manufacturer's standard front bumper.**

(C) Inspect the bumpers.

(D) Reject vehicle if:

1. Not equipped with [a] proper bumpers;

2. [The] A bumper is loosely attached; or if a broken or torn portion is protruding, creating a hazard; or if the improper attachment permits the hitching of rides; or

3. The bus is equipped with a trailer hitch or similar device which will permit hitching of rides.

(9) Emergency Door(s), Exits and Buzzer.

(A) All school buses shall be equipped with an emergency door or exit located in the rear and may be equipped with additional emergency doors and exits. The emergency door shall be designed to be opened from inside and outside. The device used to open the door from the outside shall be designed to prevent hitching to, but one which permits opening when necessary. The rear emergency door latch shall be equipped with an interior handle that lifts upward to release and all emergency doors and exits shall be equipped with a suitable electric switch connected with a buzzer audible in the driver compartment. The switch shall be installed in a manner that any movement of the slide bar or release mechanism will immediately sound the buzzer. All emergency doors and exits shall be identified by the words EMERGENCY DOOR or EMERGENCY EXIT both inside and outside the bus in letters at least two inches (2") high [*in the immediate area of the door or exit*]. **The words EMERGENCY DOOR shall be placed at the top of or directly above the emergency door, or on the door in the metal panel above the top glass both inside and outside the bus. The words EMERGENCY EXIT shall be placed at the top of or directly above or at the bottom of the emergency window exits both inside and outside the bus. The designation for roof exits shall be located on the inside surface of the exit, or within twelve inches (12") of the roof exit opening.** A metal guard shall be placed over the door control on the inside of a rear door. The passageway to the emergency door shall be at least twelve inches (12") wide on all school buses. *[Type A school buses designed as 1974 or later models must be equipped with an emergency door buzzer.]* A lock may be placed on an emergency door or exit. However, the engine starting and operating system must not function if any emergency door or exit is locked from either inside or outside of the bus.

(C) Reject vehicle if [the]:

1. Doors or exits bind or catch when opening;

2. Passageway to the emergency door is blocked or restricted in any way to less than twelve inches (12") in width.

3. Any emergency door or exit release mechanism fails to work properly, from the inside or outside of the bus;

4. Slide bar on Types B, C and D buses has less than one inch (1") stroke length;

5. **Emergency door [B]buzzer fails to sound or is not audible in the driver's compartment [or in the vicinity of the emergency door] when the slide bar is moved;**

6. Any emergency or roof exit buzzer fails to sound or is not audible in the driver's compartment when the release mechanism is activated;

[6.] 7. Words EMERGENCY DOOR or EMERGENCY EXIT are not properly displayed; or

[7.] 8. Bus engine will start with emergency door(s) or exits locked.

(13) Step Treads, Aisle Mats or Runners.

(A) Types B, C and D School Buses Only.

1. The surface of step treads shall be of nonskid material. The aisle mats or runners shall be of an aisle-type fire-resistant rubber or equivalent, nonskid, wear-resistant and ribbed. The mats or runners shall be permanently bonded to the floor.

2. Inspect the general condition of step treads at the service door entrance and the general condition of the aisle mats or runners.

3. Reject vehicle if the:

A. Treads on the steps are not of nonskid material or if the surface material is loose; or

B. Mats or runners are loose, torn or curled.

(B) Type[s] A [and B] School Buses Only.

1. Type[s] A [and B] school buses need only be equipped with the manufacturer's original equipment as far as step treads, aisle mats or runners are concerned.

2. Reject vehicle if:

A. Not as originally equipped.

(15) Color.

(A) The school bus body shall be painted a uniform national school bus yellow, except the roof which may be white **and the flat top surface of the hood which may be non-reflective black.** The body exterior paint trim, bumper and lettering shall be black.

1. Reject vehicle if:

A. Any portion of vehicle or reflective material is of the wrong color.

(16) Fuel Systems.

(A) **Inspect the fuel tank(s), fuel lines and connections, filler tube and filler tube cap on gasoline or diesel fueled vehicles.**

(B) Reject vehicle if:

1. Fuel tank(s) is not securely attached;

2. Filler tube cap is missing or does not fit; or

3. There is fuel leakage at any location.

[(A)] (C) **Inspect compressed fuel systems or the [entire] liquefied petroleum gas (LPG) system.**

[(B)] (D) Reject vehicle if:

1. Fuel tank(s) is not securely attached to the outside of the frame rail by a system other than welding. If saddle clamps are used, on buses after December 31, 1989, either at the time of assembly or replacement, each tank must be attached with a minimum of two (2) clamps which are a minimum of three-eighths inch by two inch (3/8" x 2") steel;

2. The safety relief venting system is absent, damaged or designed so that escaping gas is directed other than upwards within forty-five degrees (45°) of the vertical (outside the bus body);

3. The safety relief venting system does not have a functional pressure sensitive closing device (cap);

4. The fuel tank(s) or any part of the fuel system is the lowest point of the vehicle; *[or]*

5. There are leaks at any location *[,]*; or

6. There is no Missouri Department of Agriculture decal on LPG systems.

(18) Tires.

(A) Inspect all school bus tires **except the spare tire** for knots, exposed cord, tread depth and proper size or type.

(B) Inspect Type A-I, B, C, or D school bus for dual rear tires.

(E) Reject any school bus if:

1. Any tire has knots or exposed cord;

2. The tread depth is less than four-thirty-seconds inch (4/32") for the front tires or less than two-thirty-seconds inch (2/32") of the rear tires when measured in any two (2) adjacent major grooves at three (3) locations equally spaced around the outside of the tire;

3. A Type A-I, B, C or D school bus is not equipped with dual rear tires;
4. Regrooved, recapped or retreaded tires are used on the front wheels; **or**
5. The tires on a given axle are of a different size or type. [*or*
6. *The spare tire is not properly mounted outside the passenger compartment of Type B, C and D buses.*]

(21) Side Windows.

- (A) All full side windows must be capable of opening **at least nine inches (9")**.

(22) Out-of-Service Criteria. The following items will result in buses being put out-of-service until needed repairs are made. These criteria will be used only by Missouri State Highway Patrol personnel and are not applicable at official inspection stations:

(F) If any emergency door is inoperable from either the inside or outside **or any other emergency exit fails to open**:

[(G) If any full side window is not capable of being opened;]

[(H)](G) If the red overhead warning flashers are inoperative;

[(I)](H) If the one-half inch (1/2") hex nut attached to one (1) end of a one-eighth inch (1/8") drawstring catches on the handrail and lodges between the handrail mounting bracket and the sheet metal body of the bus or the drawstring catches during the handrail drawstring test;

[(J)](I) If not equipped with the crossing arm as required or if the crossing arm does not operate when the stop signal arm and overhead warning flashers are activated; or

[(K)](J) If fuel is leaking from any part of the fuel system.

AUTHORITY: section 307.360.2, RSMo [1994] 2000 and 307.375, RSMo Supp. [1999] 2001. Original rule filed Nov. 4, 1968, effective Nov. 14, 1968. For intervening history, please consult the Code of State Regulations. Emergency rule filed Nov. 1, 2001, effective Feb. 1, 2002, expires May 31, 2002. A proposed amendment covering this same material is published in this issue of the Missouri Register.

complied with protections extended by the Missouri and United State Constitutions. The director has limited the scope of the emergency amendment to the circumstances creating the emergency. Emergency amendment filed October 31, 2001, effective January 1, 2002, expires June 29, 2002.

- (1) Pursuant to section 32.065, RSMo, the director of revenue upon official notice of the average predominant prime rate quoted by commercial banks to large businesses, as determined and reported by the Board of Governor's of the Federal Reserve System in the Federal Reserve Statistical Release G.13(415) for the month of September of each year, has set by administrative order the annual adjusted rate of interest to be paid on unpaid amounts of taxes during the succeeding calendar year as follows:

Calendar Year	Rate of Interest on Unpaid Amounts of Taxes
1995	12%
1996	9%
1997	8%
1998	9%
1999	8%
2000	8%
2001	10%
2002	6%

AUTHORITY: section 32.065, RSMo [Supp.] 2000. Emergency rule filed Oct. 13, 1982, effective Oct. 23, 1982, expired Feb. 19, 1983. Original rule filed Nov. 5, 1982, effective Feb. 11, 1983. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Oct. 31, 2001, effective Jan. 1, 2002, expires June 29, 2002. A proposed amendment covering this same material is published in this issue of the Missouri Register.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 41—General Tax Provisions

EMERGENCY AMENDMENT

12 CSR 10-41.010 Annual Adjusted Rate of Interest. The department proposes to amend section (1).

PURPOSE: Under the Annual Adjusted Rate of Interest (section 32.065, RSMo), this amendment establishes the 2002 annual adjusted rate of interest to be implemented and applied on taxes remaining unpaid during calendar year 2002.

EMERGENCY STATEMENT: The director of revenue is mandated to establish an annual adjusted rate of interest based upon the adjusted prime rate charged by banks during September of that year as set by the Board of Governors of the Federal Reserve rounded to the nearest full percent. This emergency amendment is necessary to ensure public awareness and to preserve a compelling governmental interest requiring an early effective date in that the amendment informs the public of the established rate of interest to be paid on unpaid amounts of taxes for the remaining 2002 calendar year. The director finds that there is an immediate danger to the public welfare which can only be addressed through this emergency amendment. The director has followed procedures calculated to assure fairness to all interested persons and parties and has

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rule-making process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

**Title 2—DEPARTMENT OF AGRICULTURE
Division 30—Animal Health
Chapter 2—Health Requirements for Movement of
Livestock, Poultry and Exotic Animals**

PROPOSED AMENDMENT

2 CSR 30-2.010 Health Requirements Governing the Admission of Livestock, Poultry and Exotic Animals Entering Missouri.
The director is amending subsection (13)(D).

PURPOSE: *This amendment changes the requirements for cervidae entering the state of Missouri to protect Missouri livestock and wildlife from importation of diseases that potentially pose a threat to the public health, safety and welfare.*

(13) Miscellaneous and Exotic Animals. All exotic animals must be accompanied by an official Certificate of Veterinary Inspection showing an individual listing of the common and scientific name(s) of the animal(s) and appropriate descriptions of animal(s) such as sex, age, weight, coloration and the permanent tag number, brand or tattoo identification.

(D) [Elk and deer may enter Missouri in compliance with Cervidae Uniform Methods and Rules for Brucellosis and the Cervidae Uniform Methods and Rules for Tuberculosis] **Cervidae** entering Missouri must have a permit issued by the state veterinarian's office before they enter the state. **Cervidae** that enter Missouri must be in compliance with the **Cervidae** Uniform Methods and Rules for Brucellosis and Tuberculosis. Elk, red deer, reindeer, fallow deer and sika deer six (6) months of age and over must have one (1) approved negative brucellosis test within thirty (30) days prior to *[shipment]* movement. **Cervidae** originating from certified brucellosis-free herds may enter on the current herd number and test date.

1. All cervidae [six (6) months] one (1) year of age and [over] younger must have *[a]* **one (1)** negative tuberculosis test using the single cervical method *[or BTB test]* within ninety (90) days prior to *[shipment]* movement. **All cervidae one (1) year and over must have two (2) negative tuberculosis tests, not less than ninety (90) days apart, using the single cervical method, within ninety (90) days prior to movement.** **Cervidae** originating from accredited, monitored or qualified TB cervidae herds may enter on the current herd number and test date.

2. Any cervidae from an area that has been reported as a Chronic Wasting Disease (CWD) endemic area or any cervidae that has been in any endemic area in the last five (5) years will not be allowed to enter Missouri.

AUTHORITY: section 267.645, RSMo [1994] **2000.** This version of rule filed Jan. 24, 1975, effective Feb. 3, 1975. For intervening history, please consult the **Code of State Regulations.** Emergency amendment filed Nov. 2, 2001, effective Nov. 12, 2001, expires May 10, 2002. Amended: Filed Nov. 2, 2001.

PUBLIC COST: *This proposed amendment will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment may or may not cost private entities more than five hundred dollars (\$500) depending on the number of cervidae entering Missouri.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Agriculture, Division of Animal Health, David E. Hopson, D.V.M., M.P.H., Acting State Veterinarian, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register.** No public hearing is scheduled.*

**FISCAL NOTE
PRIVATE COST**

I. RULE NUMBER

Rule Number and Name:	2 CSR 30-2.010 Health Requirements Governing the Admission of Livestock, Poultry and Exotic Animals Entering Missouri.
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Unknown	<i>cervidae</i> producers	Herd owners could be charged \$10 to have the TB test performed by an accredited veterinarian, \$25 for farm call to cover mileage, total of \$35 for the test. Those that require 2 tests would have a cost of \$70.

III. WORKSHEET

For one head of *cervidae* to enter Missouri using \$10 for cost of test and \$25 for a farm call the estimated cost may be:

1 year of age and younger	1 test	\$10
	1 farm call	<u>\$25</u>
		<u><u>\$35</u></u>

1 year of age and over	2 test	\$20
	2 farm calls	<u>\$50</u>
		<u><u>\$70</u></u>

IV. ASSUMPTIONS

The total private cost may or may not exceed five hundred dollars (\$500) depending on the number of *cervidae* shipped into Missouri, which is unknown. This agency estimates these figures based on average veterinarian charges, which can vary from veterinarian to veterinarian and state to state.

Title 2—DEPARTMENT OF AGRICULTURE
Division 30—Animal Health
Chapter 2—Health Requirements for Movement of
Livestock, Poultry and Exotic Animals

PROPOSED AMENDMENT

2 CSR 30-2.040 Animal Health Requirements for Exhibition.
The director is amending subsection (9)(D).

PURPOSE: This amendment changes cervidae requirements for exhibition to protect Missouri livestock and wildlife from importation of diseases that potentially pose a threat to the public health, safety and welfare.

(9) Miscellaneous and Exotic Animals. All exotic animals must be accompanied by an official Certificate of Veterinary Inspection showing an individual listing of the common and scientific name(s) of the animal(s) and appropriate descriptions of animal(s) such as sex, age, weight, coloration and the permanent tag number, brand or tattoo identification.

(D) [Elk and deer may exhibit in Missouri in compliance with the Cervidae Uniform Methods and Rules for Brucellosis and Cervidae Uniform Methods and Rules for Tuberculosis.] **Cervidae entering Missouri must have a permit issued by the state veterinarian's office before they enter the state. All cervidae that enter Missouri must be in compliance with the Cervidae Uniform Methods and Rules for Brucellosis and Tuberculosis.** Elk, red deer, reindeer, fallow deer and sika deer six (6) months of age and over must have one (1) approved negative brucellosis test within thirty (30) days prior to exhibition. Cervidae originating from certified brucellosis-free herds may exhibit on the current herd number and test date.

1. All *cervidae* [six (6) months] **one (1)** year of age and younger must have [a] **one (1)** negative tuberculosis test using the single cervical method [or BTB test] within ninety (90) days prior to exhibition. **All cervidae one (1) year of age and over must have two (2) negative tuberculosis tests, not less than ninety (90) days apart, using the single cervical method within ninety (90) days prior to exhibition.** Cervidae originating from accredited, monitored or qualified TB cervidae herds may exhibit on the current herd number and test date.

2. Any *cervidae* from an area that has been reported as a Chronic Wasting Disease (CWD) endemic area or any *cervidae* that has been in any endemic area in the last five (5) years will not be allowed to enter Missouri.

AUTHORITY: section 267.645, RSMo [1994] **2000.** Emergency rule filed June 28, 1977, effective July 8, 1977, expired Nov. 5, 1977. Original rule filed June 28, 1977, effective Oct. 13, 1977. For intervening history, please consult the **Code of State Regulations.** Emergency amendment filed Nov. 2, 2001, effective Nov. 12, 2001, expires May 10, 2002. Amended: Filed Nov. 2, 2001.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment may or may not cost private entities more than five hundred dollars (\$500) depending on the number of cervidae entering Missouri.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Agriculture, Division of Animal Health, David E. Hopson, D.V.M., M.P.H., Acting State Veterinarian, PO Box 630, Jefferson City, MO 65102. To be considered, comments

must be received within thirty (30) days after publication of this notice in the **Missouri Register.** No public hearing is scheduled.

**FISCAL NOTE
PRIVATE COST**

I. RULE NUMBER

Rule Number and Name:	2 CSR 30-2.040 Animal Health Requirements for Exhibition.
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Unknown	<i>Cervidae</i> producers	Herd owners could be charged \$10 to have the TB test performed by an accredited veterinarian, \$25 for farm call to cover milage, total of \$35 for the test. Those that require 2 tests would have a cost of \$70.

III. WORKSHEET

For one head of cervidae to enter Missouri using \$10 for cost of test and \$25 for a farm call the estimated cost may be:

1 year of age and younger	1 test	\$10
	1 farm call	<u>\$25</u>
		<u>\$35</u>
1 year of age and over	2 test	\$20
	2 farm calls	<u>\$50</u>
		<u>\$70</u>

IV. ASSUMPTIONS

The total private cost may or may not exceed five hundred dollars (\$500) depending on the number of cervidae entering Missouri for exhibition, which is unknown. This agency estimates these figures based on average veterinarian charges, which can vary from veterinarian to veterinarian and state to state.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 30—Animal Health
Chapter 6—Livestock Market**

PROPOSED AMENDMENT

2 CSR 30-6.020 Duties and Facilities of the Market/Sale Veterinarian. The director is amending subsection (7)(D).

PURPOSE: This amendment changes the requirements of cervidae sold through a licensed livestock market/sale in the state of Missouri to protect Missouri livestock and wildlife from importation of diseases that potentially pose a threat to the public health, safety and welfare.

(7) Miscellaneous and Exotic Animals. All exotic animals presented for exchange, barter, lease or sale at a licensed livestock market/sale must be accompanied by an official Certificate of Veterinary Inspection showing an individual listing of the common and scientific name/s(s) of the animal(s) and appropriate descriptions of animal(s) such as sex, age, weight, coloration and the permanent tag number, brand or tattoo identification.

(D) [Elk and deer may be sold through a market/sale in Missouri in compliance with the Cervidae Uniform Methods and Rules for Brucellosis and the Cervidae Uniform Methods and Rules for Tuberculosis.] Cervidae entering Missouri must have a permit issued by the state veterinarian's office before they enter the state. Cervidae that enter Missouri must be in compliance with the Cervidae Uniform Methods and Rules for Brucellosis and Tuberculosis. Elk, red deer, reindeer, fallow deer and sika deer six (6) months of age and over must have one (1) approved negative brucellosis test within thirty (30) days prior to arrival at the market/sale. Cervidae originating from certified brucellosis-free herds may be sold through a market/sale on the current herd number and test date.

1. All *cervidae [six (6) months]* **one (1)** year of age and *[over]* **younger** must have *[a]* **one (1)** negative tuberculosis test using the single cervical method *[or BTB test]* within ninety (90) days prior to arrival at the market/sale. **All cervidae one (1) year of age and over must have two (2) negative tuberculosis tests, not less than ninety (90) days apart, using the single cervical method within ninety (90) days prior to arrival at the market/sale.** *Cervidae originating from accredited, monitored or qualified TB cervidae herds may be sold through a market/sale on the current herd number and test date.*

2. Any cervidae from an area that has been reported as a Chronic Wasting Disease (CWD) endemic area or any cervidae that has been in any endemic area in the last five (5) years will not be allowed to enter Missouri.

*AUTHORITY: section 277.160, RSMo [Supp. 1998] 2000. Original rule filed June 15, 1990, effective Dec. 31, 1990. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed Nov. 2, 2001, effective Nov. 12, 2001, expires May 10, 2002. Amended: Filed Nov. 2, 2001.*

PUBLIC COST: This proposed amendment will cost the state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment may or may not cost private entities more than five hundred dollars (\$500) depending on the number of cervidae entering Missouri.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Agriculture, Division of Animal Health,

*David E. Hopson, D.V.M., M.P.H., Acting State Veterinarian, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PRIVATE COST**

I. RULE NUMBER

Rule Number and Name:	2 CSR 30-6.020 Duties and Facilities of the Market/Sale Veterinarian.
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Unknown	<i>Cervidae</i> producers	Herd owners could be charged \$10 to have the TB test performed by an accredited veterinarian, \$25 for farm call to cover mileage, total of \$35 for the test. Those that require 2 tests would have a cost of \$70.

III. WORKSHEET

For one head of *cervidae* to enter Missouri using \$10 for cost of test and \$25 for a farm call the estimated cost may be:

1 year of age and younger	1 test	\$10
	1 farm call	<u>\$25</u>
		\$35

1 year of age and over	2 test	\$20
	2 farm calls	<u>\$50</u>
		\$70

IV. ASSUMPTIONS

The total private cost may or may not exceed five hundred dollars (\$500) depending on the number of *cervidae* shipped into Missouri, which is unknown. This agency estimates these figures based on average veterinarian charges, which can vary from veterinarian to veterinarian.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
**Division 30—Missouri Board for Architects,
Professional Engineers and Professional Land Surveyors**
Chapter 5—Examinations

PROPOSED AMENDMENT

4 CSR 30-5.105 Reexaminations—Engineers. The board is proposing to amend the original purpose statement and sections (1) and (2) and delete sections (3) and (4).

PURPOSE: This rule is being amended to include engineer-interns in the policy for reexamination and to provide both engineer-intern and professional engineer applicants unlimited opportunities to retake the examination.

PURPOSE: This rule [sets] outlines the policy for reexamination of [the] engineer-intern and professional engineering applicants who fail the examination(s).

(1) [An applicant for enrollment as an engineer-in-training who fails to make the passing grade of seventy percent (70%) will have an opportunity to retake part I of the examination two (2) times within a five (5)-year period. This period begins at the time part I of the examination is initially taken.] An applicant for enrollment as an engineer-intern failing to make a passing grade on the National Council of Examiners for Engineering and Surveying (NCEES) Fundamentals of Engineering Examination shall have unlimited opportunities to retake the examination so long as the applicant remains qualified to be examined on the date of the reexamination and providing the following criteria are met:

- (A) The applicant applies for reexamination on forms furnished by the board; and
- (B) The applicant pays the required reexamination fee; and
- (C) The applicant files his/her application for reexamination on or before the filing deadline established by the board; and
- (D) The applicant provides any additional information deemed pertinent by the board.

(2) [An applicant for registration as a professional engineer must complete both parts one I and two II of the examination within a five (5)-year period. In either case, an applicant will not be permitted to retake either part of the examination more than twice within the five (5)-year period.] An applicant for examination and licensure as a professional engineer failing to make a passing grade on the NCEES Principles and Practice of Engineering Examination shall have unlimited opportunities to retake the examination so long as the applicant remains qualified to be examined on the date of the reexamination and providing the following criteria are met:

- (A) The applicant applies for reexamination on forms furnished by the board; and
- (B) The applicant pays the required reexamination fee; and
- (C) The applicant files his/her application for reexamination on or before the filing deadline established by the board; and
- (D) The applicant provides any additional information deemed pertinent to the board.

[(3) Any applicant who does not meet the requirements as set out in sections (1) and (2) of this rule may submit a new application. The board, within its discretion, may either deny the applicant the opportunity for an additional examination or approve this reexamination based upon additional information which the board may require. This additional information will include, but will not be limited to, further educational training, current references or other

information as the board may deem necessary in evaluating the qualifications of the applicant.

(4) Any person with an application on file on March 11, 1982 and who exceeds the limitations prescribed in sections (1) and (2) of this rule shall have one (1) opportunity to retake either part I or part II before becoming subject to section (3) of this rule.]

AUTHORITY: sections 327.041, RSMo [1986] as amended by HB 567 (2001) and 327.241 and 327.251, RSMo 2000. Original rule filed Dec. 8, 1981, effective March 11, 1982. Amended: Filed Nov. 1, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board for Architects, Professional Engineers and Professional Land Surveyors, PO Box 184, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
**Division 30—Missouri Board for Architects,
Professional Engineers and Land Surveyors**
Chapter 5—Examinations

PROPOSED RESCISSON

4 CSR 30-5.110 Standards for Admission to Examination—Land Surveyors. This rule set out standards for admission to land surveying examinations for applicants not enrolled in the land surveyor-in-training program.

PURPOSE: This rule is being rescinded and readopted because the previous version was outdated and contrary to section 327.314, RSMo.

AUTHORITY: section 327.041, RSMo 1986. Original rule filed March 16, 1970, effective April 16, 1970. Amended: Filed Dec. 8, 1981, effective March 11, 1982. Amended: Filed Jan. 12, 1984, effective April 12, 1984. Amended: Filed July 20, 1987, effective Oct. 25, 1987. Rescinded: Filed Nov. 1, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Board for Architects, Professional Engineers and Professional Land Surveyors, PO Box 184, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
**Division 30—Missouri Board for Architects,
Professional Engineers and Professional Land Surveyors**
Chapter 5—Examinations

PROPOSED RULE

**4 CSR 30-5.110 Standards for Admission to Examination—
Professional Land Surveyors**

PURPOSE: This rule outlines the experience required of those persons applying for the land surveying examination under section 327.314, RSMo.

(1) No person shall apply for examination and licensure as a professional land surveyor in the state of Missouri unless said person is currently enrolled as a land surveyor-in-training and unless said person shall have acquired at least the following satisfactory professional field and office experience while enrolled as a land surveyor-in-training:

(A) If enrolled as a land surveyor-in-training prior to January 1, 2006 pursuant to the provisions of subsection (1) or (2) of section 327.312, RSMo, said person shall have acquired at least two (2) years of satisfactory professional field and office experience in land surveying under the immediate personal supervision of a licensed professional land surveyor;

(B) If enrolled as a land surveyor-in-training prior to January 1, 2006 pursuant to the provisions of subsection (3) of section 327.312, RSMo, said person shall have acquired at least one (1) year of satisfactory professional field and office experience in land surveying under the immediate personal supervision of a licensed professional land surveyor; and

(C) If enrolled as a land surveyor-in-training on or after January 1, 2006 pursuant to the provisions of subsection (1), (2) or (3) of section 327.312, RSMo, said person shall have acquired at least four (4) years of satisfactory professional field and office experience in land surveying under the immediate personal supervision of a professional land surveyor.

(2) For professional field and office experience in land surveying to be deemed satisfactory, the applicant shall have obtained at least one-third (1/3) of the required experience as field experience and at least one-third (1/3) of the required experience as office experience. Furthermore, all professional field and office experience in land surveying shall be completed under the immediate personal supervision of a licensed professional land surveyor as defined in 4 CSR 30-13.020. In evaluating satisfactory professional field and office experience in land surveying, credit shall be given as follows:

(A) Party chief—year for year;

(B) Office work (combination of record research, survey calculations and preparation of property descriptions as relating to property boundary surveys and/or the reestablishment of the U.S. public land survey corners) (year-for-year credit);

(C) Individual evaluation may result in less than full credit; and

(D) Engineering or construction surveying work experience will receive no more than twenty-five percent (25%) credit (the maximum credit given shall be no more than twenty-five percent (25%) of the total experience required).

AUTHORITY: sections 327.041 and 327.312, RSMo 2000 and 327.314, RSMo as amended by HB 567 (2001). Original rule filed March 16, 1970, effective April 16, 1970. Amended: Filed Dec. 8, 1981, effective March 11, 1982. Amended: Filed Jan. 12, 1984, effective April 12, 1984. Amended: Filed July 20, 1987, effective Oct. 25, 1987. Rescinded and readopted: Filed: Nov. 1, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Board for Architects, Professional Engineers and Professional Land Surveyors, PO Box 184, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
**Division 30—Missouri Board for Architects,
Professional Engineers and Professional Land Surveyors**
Chapter 11—Renewals

PROPOSED RULE

**4 CSR 30-11.015 Continuing Professional Competency for
Professional Engineers**

PURPOSE: The continuing professional competency (continuing education) requirement is to demonstrate a continuing level of competency for professional engineers.

(1) Purpose.

(A) Effective December 31, 2004, as a condition for renewal of an engineering license issued pursuant to section 327.261, RSMo a licensee shall have successfully completed thirty (30) professional development hours, as defined by this regulation, within the two (2) immediately preceding years (renewal period). Any licensee who completes more than thirty (30) professional development hours within the preceding two (2) calendar years may apply the excess, not to exceed fifteen (15) hours, to the requirement for the next two (2)-year period.

(B) Continuing professional competency (continuing education) is a requirement for every professional engineer licensed by the board, regardless of age, area of practice, or whether the licensee lives in-state or out-of-state pursuant to section 327.271, RSMo.

(C) Continuing professional competency obtained by a licensee should maintain, improve or expand skills and knowledge obtained for initial licensure, or to develop skills and knowledge relevant to the practice of professional engineering.

(2) Definitions.

(A) Board. The Missouri Board for Architects, Professional Engineers and Professional Land Surveyors.

(B) Continuing education unit (CEU). Unit customarily used for continuing education courses. One (1) CEU equals ten (10) nominal contact hours of class in an approved continuing education course.

(C) Professional development hour (PDH). One (1) nominal contact hour of instruction or presentation. The common denominator for other units of credit.

(D) Professional engineering division. The three (3)-member division of the board that concerns itself with the profession of engineering.

(E) Sponsor. An individual, organization, association, institution or other entity that provides an educational activity for the purpose of fulfilling the professional development requirements of the board.

(3) Activities. All such activities must be relevant to the practice of engineering and may include technical, ethical, or managerial content. Professional development activities that satisfy these requirements shall include, but shall not be limited to:

- (A) Successfully completing college or university courses;
- (B) Successfully completing courses that are awarded CEU(s);
- (C) Active participation and successful completion of seminars, tutorials, workshops, short courses, correspondence courses, televised or videotaped courses or in-house courses;
- (D) Attending program presentations at related technical or professional meetings;
- (E) Teaching or instructing (see (3)(A)–(D)); and
- (F) Authoring papers or articles that appear in nationally circulated technical journals or trade magazines.

(4) Criteria. Professional development activities must meet the following criteria:

- (A) There is a clear purpose and objective for each activity that will maintain, improve or expand skills and knowledge obtained prior to initial licensure or to develop new and relevant skills and knowledge;
- (B) The content of each presentation is well organized and presented in a sequential manner;
- (C) There is evidence of preplanning that should include the opportunity for input by the target group to be served;
- (D) The presentation will be made by persons who are well qualified by education and experience; and
- (E) There is a provision for individual participant registration that will include information required for record keeping and reporting.

(5) Units. The conversion to PDHs from other units is as follows:

(A) One (1) semester hour of college credit	30 PDH;
(B) One-quarter (1/4) hour of college credit	20 PDH;
(C) One (1) CEU and	10 PDH;
(D) One (1) nominal contact hour of acceptable professional development education	1 PDH.

(6) Credits. PDHs of credit for qualifying courses successfully completed that offer semester hour, quarter hour, or CEU credit is as specified in this rule. All other activities permit the earning of one (1) PDH of credit for each contact hour with the following exceptions:

- (A) Auditing or “hearing” of university or college courses permit PDH credit of one-third (1/3) as shown in section (5);
- (B) Teaching or instructing qualifying courses or seminars or making presentations at technical meetings or conventions earn PDH credit at twice that of participants; and
- (C) Five (5) PDHs are earned for a paper or article that is published in a nationally circulated technical journal or article. Credit cannot be claimed until that article or paper is actually published.

(7) Reciprocity. PDHs may be acquired at locations other than Missouri, so long as the content meets the requirements of this regulation.

(8) Forms. All renewal applications will require the completion of a continuing education form specified and supplied by the board. The licensee must certify and sign the form, and submit it with the renewal application and fee.

(9) Records. The responsibility of maintaining records that can be used to support credits claimed is the responsibility of the licensee. Records required include but are not limited to: 1) a log showing the type of activity claimed, sponsoring organization, location, duration, instructor's or speaker's name, and PDH credits earned; and 2) attendance verification records in the form of completion

certificates, signed attendance receipts, paid receipts, a copy of a listing of attendees signed by a person in responsible charge, or other documents supporting evidence of attendance. These records must be maintained for a period of four (4) years and copies must be furnished to the board for audit verification purposes if requested. At its discretion, the board may randomly audit a portion of licensees each renewal period.

(10) Disallowance. The board will review all claimed PDH credits for compliance with the regulation. If in the review the board finds that the PDH credit is not acceptable, the board shall inform the registrant of the criteria that has not been adhered to. The registrant shall have one hundred eighty (180) days after notification to substantiate the original claim or to earn other credits to meet the minimum requirements.

*AUTHORITY: sections 327.041 and 327.261, RSMo 2000.
Original rule filed Nov. 1, 2001.*

PUBLIC COST: This proposed rule is estimated to cost state agencies and political subdivisions an estimated eight thousand four hundred thirty-two dollars and forty-six cents (\$8,432.46) biennially for the life of the rule. It is anticipated that the total cost will recur biennially for the life of the rule, may vary with inflation and is expected to increase biennially at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule is estimated to cost private entities an increase of \$11,840,250 biennially for the life of the rule. It is anticipated that the total costs will recur biennially for the life of the rule, may vary with inflation and is expected to increase biennially at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Board for Architects, Professional Engineers and Professional Land Surveyors, PO Box 184, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

FISCAL NOTE
PUBLIC ENTITY COST

I. RULE NUMBER

Title: 4 - Department of Economic Development

Division: 30 – Missouri Board of Architects, Professional Engineers and Professional Land Surveyors

Chapter: 11 - Renewals

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 30-11.015 Continuing Professional Competency for Professional Engineers

Prepared April 11, 2001 by the Division of Professional Registration and the Missouri Board of Architects, Professional Engineers and Professional Land Surveyors.

II. SUMMARY OF FISCAL IMPACT	
Affected Agency or Political Subdivision	Estimated Biennial Cost of Compliance
Missouri Board of Architects, Professional Engineers and Professional Engineers (review of professional development hours)	\$8,432.46
	Total biennial cost for the life of the rule
	\$8,432.46

III. WORKSHEET

CONTINUING PROFESSIONAL DEVELOPMENT HOURS (PDH) SUBMITTED BY LICENSEES AUDITED BY THE MISSOURI BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS

The board may conduct an audit of licensees to verify compliance with the continuing professional development requirements. Licensees shall assist the board in its audits by providing timely and complete responses to the board's inquiries. Based on the 15,787 currently licensed professional engineers, it is estimated that the board will audit 1% (approximately 158) of current licensees biennially and request verification of their attendance at approved professional development programs.

The following is a breakdown of the expense and equipment costs associated with auditing PDHs for professional engineers.

CLASSIFICATION	FEE AMOUNT	NUMBER IN CLASS	TOTAL BIENNIAL COST
Letterhead Printing Cost	\$.15	158	\$23.70
Envelope for Mailing Letter Requesting Verification of Professional Development Hours	\$.16	158	\$25.58
Postage for Mailing Request for Information	\$.34	158	\$53.72

**Total expense and equipment costs \$103.00
associated with auditing PDHs:**

The following is a breakdown of the personal service costs associated with auditing PDHs.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFITS	HOURLY SALARY	COST PER MINUTE	TIME PER AUDIT	COST PER AUDIT	TOTAL BIENNIAL COST
Executive Director	\$57,204	\$76,270	\$36.67	\$.62	60 minutes	\$18.34	\$5,793.86
Executive I	\$30,780	\$41,038	\$19.73	\$.44	30 minutes	\$13.20	\$2,085.60

**Total personal service costs associated \$7,879.46
with auditing PDHs:**

The Executive Director will request and monitor receipt of the PDHs from licensees. The Executive I will prepare letters requesting licensees to submit the information, assist with monitoring their receipt, update the computer licensing and mail the information to the members of the board. Three members of the Engineering Division of the board will review for approval all PDHs received. The board estimates that each member of the Engineering Division will receive a per diem of \$50.00 per day for this review. It is estimated that board members will be able to review approximately 52 licensee's PDHs per day and the board will pay \$450.00 in per diem for this review. Because other board correspondence may be mailed to the members of the board with PDHs audits, the cost for this mailing was not calculated into this fiscal note.

IV. ASSUMPTIONS

- The number of licensees by class are based on actual figures from FY00 and projected figures in FY01.
- Employee's salaries were calculated using their annual salary multiplied by 33.33% for fringe benefits and then were divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications or renewals.
- It is anticipated that the public entity cost will be \$8,432.46 biennially for the life of the rule. The total biennial cost will recur each year for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 4 - Department of Economic Development

Division: 30 – Missouri Board of Architects, Professional Engineers and Professional Land Surveyors

Chapter: 11 - Renewals

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 30-11.015 Continuing Professional Competency for Professional Engineers

Prepared April 11, 2001 by the Division of Professional Registration and the Missouri Board of Architects, Professional Engineers and Professional Land Surveyors.

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate biennial cost of compliance with the rule by the affected entities:
15,787	Active Professional Engineers Obtaining Professional Development Hours (average of \$750)	\$11,840,250
Estimate biennial cost of compliance for the life of the rule.		\$11,840,250

III. WORKSHEET

30 Professional Development Hours @ \$25.00 per hour

IV. ASSUMPTIONS

- The number of licensees by class are based on actual figures from FY00 and projected figures in FY01.

- The board anticipates 158 licensees will be required to obtain the required PDHs during the first year of implementation of the rule. Therefore, the board estimates that the private entity cost to comply with this rule will be \$118,500 biennially.
- It is not possible to estimate all costs (i.e., mileage, meals, and lodging) that a licensee could incur in obtaining the required professional development hours (PDH).
- It is anticipated that the total cost will recur biennially for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT****Division 120—State Board of Embalmers and Funeral
Directors****Chapter 1—Organization and Description of Board****PROPOSED AMENDMENT**

4 CSR 120-1.010 General Organization. The board is proposing to amend section (3).

PURPOSE: *The purpose of this amendment is make the rule language consistent with section 333.151.1, RSMo.*

(3) The board consists of five (5) licensed embalmers or funeral directors and one (1) public member. The governor appoints the members of the board, with the advice and consent of the senate, from nominees submitted [by] to the [director of the Department of Economic Development] director of the Division of Professional Registration by the current president of the Missouri Funeral Directors Association. Each member's term of office is five (5) years.

AUTHORITY: sections 333.111.1, **333.151.1**, and 536.023.3, [RSMo 1986] RSMo [Supp. 1993] 2000. Original rule filed Oct. 17, 1975, effective Oct. 28, 1975. Emergency rule filed Nov. 9, 1978, effective Nov. 20, 1978, expired Feb. 11, 1979. Rescinded and readopted: Filed Nov. 8, 1978, effective Feb. 11, 1979. Rescinded and readopted: Filed Jan. 13, 1982, effective April 11, 1982. Amended: Filed June 9, 1982, effective Sept. 12, 1982. Amended: Filed Nov. 1, 2001.

PUBLIC COST: *This proposed amendment is estimated to cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Embalmers and Funeral Directors, Patricia A. Handly, Executive Director, 3605 Missouri Boulevard, PO Box 423, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT****Division 120—State Board of Embalmers and Funeral
Directors****Chapter 2—General Rules****PROPOSED AMENDMENT**

**4 CSR 120-2.010 Embalmer's Registration and Apprenti-
ship.** The board is proposing to add a new section (16).

PURPOSE: *This amendment requires the embalmer license to be displayed at all times in conspicuous location accessible to the public in the office(s) or place(s) of business for inspection by any duly authorized agent of the board.*

(16) All licenses issued by the State Board of Embalmers and Funeral Directors shall be displayed at all times in a conspicuous location accessible to the public in the office(s) or place(s)

of business for inspection by any duly authorized agent of the board.

AUTHORITY: sections 333.041 as amended by HB 48 (2001) and 333.091 and 333.111.1, RSMo [Supp. 1999] 2000. Original rule filed Oct. 17, 1975, effective Oct. 28, 1975. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Nov. 1, 2001.

PUBLIC COST: *This proposed amendment is estimated to cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Embalmers and Funeral Directors, Patricia A. Handly, Executive Director, 3605 Missouri Boulevard, PO Box 423, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT****Division 120—State Board of Embalmers and Funeral
Directors****Chapter 2—General Rules****PROPOSED AMENDMENT**

4 CSR 120-2.020 Biennial License Renewal. The board is proposing to amend the original Purpose Statement and sections (2) and (3).

PURPOSE: *This amendment removes the word "annual" from the original purpose statement as the board has implemented a biennial renewal and removes the ninety (90)-day renewal grace period to be consistent with House Bill 48 of the 91st General Assembly.*

PURPOSE: *This rule outlines the requirements and procedures for the [annual] renewal of embalmer's, funeral director's and funeral establishment's licenses.*

(2) [A period of ninety (90) days' grace is established following the date by which every licensed embalmer, funeral director and establishment must renew their licenses. The board will cause a license to be renewed if renewal is sought and all fees paid before the expiration of the grace period.] A nonrenewable license, not valid for active practice in Missouri, will be issued at no charge to a currently licensed embalmer, funeral director, or both, upon presentation of a signed notarized statement from the licensee attesting to the fact that the licensee is disabled and is no longer active in the practice of embalming, funeral directing, or both. If the licensee desires at some future date to return to active practice in Missouri, the board shall issue a valid renewal license upon payment of the current renewal fee and completion of the applicable renewal application form.

(3) The holders of expired embalmer's and funeral director's licenses which are not renewed [during the grace period] will be notified that their licenses have expired. The holder of an expired license shall be issued a new license by the board within two (2) years of the renewal date after the proper reactivation fees

have been paid. Any embalmer's and funeral director's license not renewed within two (2) years shall be void.

AUTHORITY: sections 333.081[*, RSMo 1994*] **as amended by HB 48 (2001)** and 333.111.1, *RSMo [Supp. 1998] 2000*. Original rule filed Oct. 17, 1975, effective Oct. 28, 1975. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Nov. 1, 2001.

PUBLIC COST: This proposed amendment is estimated to cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Embalmers and Funeral Directors, Patricia A. Handly, Executive Director, 3605 Missouri Boulevard, PO Box 423, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 120—State Board of Embalmers and Funeral Directors
Chapter 2—General Rules

PROPOSED AMENDMENT

4 CSR 120-2.030 Registration of Licensees [*W*/with Local Registrars of Vital Statistics. The board is proposing to amend section (1).

PURPOSE: This amendment clarifies the requirement for registration with the local register upon issuance or upon biennial renewal of a license.

(1) **Pursuant to section 333.091, RSMo [*E*]every holder of an embalmer's or funeral director's license, upon receiving his/her initial or renewal license(s), [annually] shall register his/her signature, name, address and license number with the local registrar of vital statistics for the registration district in which the licensee practices.**

AUTHORITY: sections 333.091[*, RSMo 1986*] and 333.111.1, *RSMo [Supp. 1993] 2000*. Original rule filed Oct. 17, 1975, effective Oct. 28, 1975. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Nov. 1, 2001.

PUBLIC COST: This proposed amendment is estimated to cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Embalmers and Funeral Directors, Patricia A. Handly, Executive Director, 3605 Missouri Boulevard, PO Box 423, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 120—State Board of Embalmers and Funeral Directors
Chapter 2—General Rules

PROPOSED AMENDMENT

4 CSR 120-2.040 Licensure by Reciprocity. The board is proposing to add a new section (8).

PURPOSE: This amendment requires embalmer and funeral director licenses to be displayed at all times in a conspicuous location accessible to the public in the office(s) or place(s) of business for inspection by any duly authorized agent of the board.

(8) All licenses issued by the State Board of Embalmers and Funeral Directors shall be displayed at all times in a conspicuous location accessible to the public in the office(s) or place(s) of business for inspection by any duly authorized agent of the board.

AUTHORITY: sections 43.543, [*RSMo 1994 and*] 333.051, **333.091** and 333.111.1, *RSMo [Supp. 1997] 2000*. Original rule filed Oct. 17, 1975, effective Oct. 28, 1975. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Nov. 1, 2001.

PUBLIC COST: This proposed amendment is estimated to cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Embalmers and Funeral Directors, Patricia A. Handly, Executive Director, 3605 Missouri Boulevard, PO Box 423, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 120—State Board of Embalmers and Funeral Directors
Chapter 2—General Rules

PROPOSED AMENDMENT

4 CSR 120-2.050 Miscellaneous Rules. The board is proposing to delete section (3) and renumber the remaining section accordingly.

PURPOSE: The purpose of this amendment is to remove obsolete information from the text of the rule.

[(3) Upon written request to the board's executive secretary, copies of these rules will be provided to any licensed funeral director, registered intern, practicum student, student embalmer or member of the public.]

[(4)] (3) No temporary license authorized under section 333.041.7[*,* RSMo will be issued until the board has been advised as to the location of the funeral establishment at which the temporary funeral director's license will be used. Any license issued under this section may be used only in connection with the

operation of that funeral establishment. Violation of this rule will be deemed misconduct in the practice of funeral directing.

AUTHORITY: sections **333.041.7 as amended by HB 48 (2001)** and **333.111.1, [RSMo Supp. 1993] and 333.121.2(6), RSMo [1986] 2000.** Original rule filed Oct. 17, 1975, effective Oct. 28, 1975. For intervening history, please consult the **Code of State Regulations.** Amended: Filed Nov. 1, 2001.

PUBLIC COST: This proposed amendment is estimated to cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Embalmers and Funeral Directors, Patricia A. Handly, Executive Director, 3605 Missouri Boulevard, PO Box 423, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register.** No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 120—State Board of Embalmers and Funeral Directors

Chapter 2—General Rules

PROPOSED AMENDMENT

4 CSR 120-2.060 Funeral Directing. The board is proposing to delete sections (12) and (13), renumber the remaining sections accordingly and add new section (21).

PURPOSE: Pursuant to Senate Bill 176 of the 90th General Assembly the board is removing rule language that is repetitive of statutory language and requires the funeral director license to be displayed in a location accessible to the general public at all times.

[(12)] (12) Effective January 1, 1995, a limited license will be issued by the board to any qualified individual who desires to work in a function B funeral establishment only upon application to the board for limited funeral director's license and upon payment of the funeral director's examination fee. Any applicant for a limited funeral director's license will be exempt from serving the six (6)-month period of internship, the six (6)-month period of apprenticeship, and passage of the board's practical examination but will be required to successfully complete the board's written funeral director's examination. Any license issued under this section will be identified as a limited license.

(13) Should a holder of a limited funeral director's license desire to obtain a full funeral director's license, the individual must fulfill all requirements described in sections (1)—(10), with the exception of passing the written funeral director's examination which is a requirement for the limited license.]

[(14)] (12) It shall be considered misconduct in the practice of funeral directing for a licensed funeral director to permit any unlicensed person to engage in, or take charge of, the activities for which a license is required by law.

[(15)] (13) A licensed funeral director must be present and personally must supervise the conduct of each funeral service con-

ducted by or from a licensed funeral establishment. A violation of this section will be considered misconduct in the practice of funeral directing.

[(16)] (14) A licensed funeral director must be present and personally must supervise an interment service or cremation service. A violation of this section will be deemed misconduct in the practice of funeral directing. Once the body has been delivered to a cemetery for the purpose of interment or to a crematory for the purpose of cremation and after any ceremonial funeral services have been completed, the funeral director is not required to stay with the body. Nothing in this rule shall be interpreted as requiring the funeral director to leave the cemetery before disposition is complete. Furthermore, nothing in this rule shall be interpreted as relieving the funeral director of any responsibilities s/he has under his/her contract with the person(s) having the right to control the incidents of burial.

[(17)] (15) An unlicensed person may transport dead human bodies from the place of death to another location or may transport dead human bodies out of this state if these services are performed under the direction of a licensed funeral establishment.

[(18)] (16) No person other than a duly licensed and registered funeral director may make the following at-need arrangements with the person having the right to control the incidents of burial:

(A) In connection with the temporary or final entombment or cremation, disinterment, reinterment or other lawful disposition of a dead human body;

(B) For the care, preparation, shipment or transportation of a dead human body; and

(C) For the sale or rental to the public of funeral merchandise, services or paraphernalia from a funeral establishment.

[(19)] (17) The taking of preliminary information by an unlicensed person will not be construed as the making of at-need funeral arrangements under this rule.

[(20)] (18) Whenever an unlicensed person makes other than at-need funeral arrangements on behalf of a funeral director or funeral establishment, the unlicensed person at all times must be under the supervision and control of a licensed funeral director.

[(21)] (19) Violations of this rule will be deemed misconduct in the practice of funeral directing.

[(22)] (20) The business and practice of funeral directing may be conducted only from a fixed place or establishment which has been licensed by the board.

(21) All licenses issued by the State Board of Embalmers and Funeral Directors shall be displayed at all times in a conspicuous location accessible to the public in the office(s) or place(s) of business for inspection by any duly authorized agent of the board.

AUTHORITY: sections **333.041 and 333.042 as amended by HB 48 (2001)** and **333.092, 333.111.1 and 333.121, [1994] RSMo [Supp. 1999] 2000.** Original rule filed Oct. 17, 1975, effective Oct. 28, 1975. For intervening history, please consult the **Code of State Regulations.** Amended: Filed Nov. 1, 2001.

PUBLIC COST: This proposed amendment is estimated to cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Embalmers and Funeral Directors, Patricia A. Handly, Executive Director, 3605 Missouri Boulevard, PO Box 423, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
**Division 120—State Board of Embalmers and Funeral
Directors**
Chapter 2—General Rules

PROPOSED AMENDMENT

4 CSR 120-2.070 Funeral Establishments. The board is proposing to amend sections (6) and (8) and the newly numbered subsections (20)(E) and (20)(F), delete section (20) and renumber the remaining sections accordingly.

PURPOSE: This amendment makes the language of section (6) consistent with House Bill 48 of the 91st General Assembly; requires funeral establishments to post their license(s) in a location accessible to the general public in section (8); and deletes obsolete language in section (20) of the rule.

(6) Within thirty (30) days after an application for a funeral establishment license has been received in the board's office, the board will cause the establishment to be inspected. The board will act on the application and, within thirty (30) days after the application was received in the board's office, the applicant will be advised whether the license is granted or denied. **If an applicant determines the establishment will not meet the qualifications for inspection or licensure within the thirty (30)-day application period, up to two (2) thirty (30)-day extensions of the application may be requested by the applicant in writing to the board before the application expires. Each request for an extension must be received by the board prior to the expiration of the application or extension period.**

(8) The establishment license issued by the board is effective for a fixed place or establishment and for a specific name. **This license issued by the board shall be displayed in a conspicuous location accessible to the general public at that location.** Whenever the ownership, location or name of the licensed establishment is changed, a new license must be obtained. If the establishment maintains a chapel, preparation room or other funeral service facility in a building or portion physically separated from and located at a location designated by an address differing from the office, chapel or other facilities of the applicant, the chapel, preparation room or other funeral facility otherwise located shall be deemed to be a separate funeral establishment. Nothing contained in this rule will be construed or interpreted to require a separate registration for a building if it is joined or connected by a private passage, walk or driveway existing between the registered establishment and the other building.

[(20) Each funeral establishment which is already licensed on September 11, 1987, shall notify the board in writing of the function(s) for which the funeral establishment will be used at or before the time when the funeral establishment renews its license for the renewal period which commences on January 1, 1987.]

[(21)] (20) According to section 333.121.2(17), RSMo, the State Board of Embalmers and Funeral Directors may impose disciplinary action for failure to obtain authorization to embalm from the person entitled to custody or control of the body, if the body is

embalmed. If the body is not embalmed, a funeral establishment shall not hold the unembalmed body for any longer than twenty-four (24) hours unless the unembalmed body is refrigerated or encased in an airtight metal or metal-lined burial case, casket or box that is closed and hermetically sealed. If the deceased gave written authorization to embalm and did not revoke the authorization, the authorization shall satisfy this requirement. If the deceased did not give written authorization to embalm, the next of kin of the deceased may give authorization to embalm. Authorization to embalm may be given by the next of kin prior to the death of the person whose body is to be embalmed. Authorization to embalm given prior to death may be in any written document, including a preneed contract. Authorization for embalming may be given by the following:

(A) The next of kin, for purposes of this rule, shall be the following person(s), in the priority listed, if that person is over the age of eighteen (18) years and is mentally competent:

1. Surviving spouse;
2. Any surviving child;
3. Any surviving parent. If the deceased was a minor, a surviving parent who had custody of the minor;
4. Any surviving brother or sister; or
5. Any surviving relative by blood or marriage;

(B) Any person or friend who assumes responsibility for the disposition of the deceased's remains if no next of kin assumes such responsibility;

(C) The county coroner or medical examiner pursuant to the provisions of Chapter 58, RSMo;

(D) If the body is required to be buried at public expense, the body shall be disposed of according to the terms of section 194.150, RSMo;

(E) If the funeral establishment receives no authorization to embalm from any of the persons identified in subsections [(21)](20)(A), (B), or (C) of this rule, the funeral establishment may proceed with embalming if it has attempted to locate a person from whom authorization to embalm may be obtained for at least six (6) hours and it has a written statement from city, county, or state law enforcement officials that they have assisted the funeral establishment in attempting to locate such a person. However, the embalmer may proceed to embalm sooner if the condition of the body is such that waiting for six (6) hours would substantially impair the ability to effectively embalm the body or if the deceased died as a result of a communicable disease, was subject to isolation at the time of death, and has not been properly embalmed; and

(F) If an embalmer proceeds to embalm a body under the provisions of subsection [(21)](20)(E), the funeral establishment which employs the embalmer shall not require payment for the embalming unless the funeral arrangements which are subsequently made are those that embalming is required.

[(22)] (21) Each funeral establishment shall maintain documentation of the following information regarding authorization to embalm a body which is embalmed by or on behalf of the funeral establishment:

(A) When authorization to embalm is given in writing—

1. The name and signature of the person who is authorizing embalming;
2. The relationship of that person to the deceased;
3. The time and date authorization to embalm was given; and
4. The name and title of the person receiving authorization to embalm on behalf of the funeral establishment; and

(B) Authorization to embalm must be given in writing if the person authorizing embalming is present in the funeral establishment or in the physical presence of the person receiving authorization to embalm on behalf of the funeral establishment. If verbal authorization to embalm is given, the funeral establishment must document—

1. The name of the person who is actually authorizing embalming (surviving spouse), if different from the person who is

verbally communicating authorization to embalm to the funeral establishment;

2. The relationship of that person to the deceased;

3. The name of the person who is verbally communicating authorization to embalm and that person's relationship to the person who is actually authorizing embalming;

4. The time and date authorization to embalm was given; and

5. The name and title of the person receiving authorization to embalm on behalf of the funeral establishment.

[(23)] (22) Each funeral establishment must maintain the following documents for a minimum of one (1) year:

(A) Embalming logs;

(B) Purchase agreements;

(C) Authorizations to embalm;

(D) Preneed contracts which have been cancelled or fulfilled;

(E) Authorizations to cremate; and

(F) General price list.

[(24)] (23) No dead human body shall be buried, interred, cremated, or be removed from this state, unless the burial, interment, cremation, removal, or other authorized disposition, is performed under the direction of a Missouri licensed funeral establishment or Missouri licensed funeral director who is engaged in the practice of funeral directing in a licensed funeral establishment in an adjacent and contiguous county to the state of Missouri.

[(25)] (24) Whenever a dead human body is donated to a medical or educational institution for medical and/or scientific study and arrangements for return of the body to the legal next of kin have not been made, then delivery of the body to the medical or educational institution shall constitute final disposition. If, however, arrangements for return of the body to the legal next of kin have been made, then final disposition shall be the burial, interment, cremation, or removal of the body out of this state, after the medical or educational institution has returned the body.

AUTHORITY: sections 333.091, 333.111.1, [RSMo Supp. 1996 and] 333.121 and 333.145, RSMo [1994] 2000. Original rule filed Oct. 17, 1975, effective Oct. 28, 1975. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Nov. 1, 2001.

PUBLIC COST: This proposed amendment is estimated to cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Embalmers and Funeral Directors, Patricia A. Handly, Executive Director, 3605 Missouri Boulevard, PO Box 423, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
**Division 120—State Board of Embalmers and Funeral
Directors**
Chapter 2—General Rules

PROPOSED RULE

PURPOSE: This rule establishes standards of compliance with Chapter 610, RSMo, as it relates to public records of the State Board of Embalmers and Funeral Directors.

(1) All public records of the State Board of Embalmers and Funeral Directors shall be open for inspection and copying by the general public at the board's office during normal business hours, holidays excepted, except for those records closed pursuant to section 610.021, RSMo. All public meetings of the State Board of Embalmers and Funeral Directors, not closed pursuant to the provisions of section 610.021, RSMo, will be open to the public.

(2) The State Board of Embalmers and Funeral Directors establishes the executive director of the board as the custodian of its records as required by section 610.023, RSMo. The executive director is responsible for maintaining the board's records and for responding to requests for access to public records and may appoint deputy custodians as necessary for the efficient operation of the board.

(3) When the custodian believes that requested access is not required under Chapter 610, RSMo, the custodian shall inform the requesting party that compliance cannot be made, specifying what sections of Chapter 610, RSMo, require that the record remain closed. Correspondence or documentation of the denial shall be copied to the board's general counsel. The custodian also shall inform the requesting party that s/he may appeal directly to the board for access to the records requested. The appeal and all pertinent information shall be placed on the agenda for the board's next regularly scheduled meeting. If the board reverses the decision of the custodian, the board shall direct the custodian to advise the requesting party and supply access to the information during regular business hours at the requesting party's convenience.

(4) The custodian shall maintain a file that will contain copies of all written requests for access to records and responses to these requests. The requests shall be maintained on file with the board for a period of one (1) year and will be maintained as a public record of the board open for inspection by any member of the general public during regular business hours.

(5) Whenever a request for inspection of public records is made and the individual inspecting the records requests copies of the records, the board may charge a reasonable fee for the cost of inspecting and copying the records. The fee charged by the board shall be as follows:

(A) A fee for copying public records shall not exceed the actual cost of the document search and duplication; and

(B) The board may require payment for these fees prior to making the copies.

AUTHORITY: sections 333.111, 610.010–610.035 and 620.010.14, RSMo 2000. Original rule filed Nov. 1, 2001.

PUBLIC COST: This proposed rule is estimated to cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Embalmers and Funeral Directors, Patricia A. Handly, Executive Director, 3605 Missouri Boulevard, PO Box 423, Jefferson City, MO 65102. To be considered, comments must be received within thirty days (30) after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
**Division 145—Missouri Board of
Geologist Registration**
Chapter 1—General Rules

4 CSR 145-1.040 Fees. The board is proposing to amend paragraph (1)(B)1.

PURPOSE: Due to a decrease by the National Association of Geology, the board is reducing the Fundamentals of Geology Examination.

(1) The following fees are established by the Board of Geologist Registration and are payable in the form of a cashier's check, personal check or money order:

(B) Examination and Reexamination Fees—

- | | | |
|--|---------------------|-----------------|
| 1. Fundamentals of Geology | [<i>\$150.00</i>] | \$125.00 |
| 2. Principles and Practices of Geology | | \$150.00 |

AUTHORITY: section 256.465.2, RSMo 2000. Emergency rule filed June 29, 1995, effective July 9, 1995, expired Nov. 5, 1995. Original rule filed Sept. 28, 1995, effective May 30, 1996. Amended: Filed April 13, 2001, effective Oct. 30, 2001. Amended: Filed Nov. 1, 2001.

PUBLIC COST: The proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment is estimated to save private entities six hundred twenty-five dollars (\$625) annually for the life of the rule. It is anticipated that the total cost savings will recur annually for the life of the rule, may vary with inflation and is expected to decrease at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Geologist Registration, Pamela Groose, Executive Director, PO Box 1335, Jefferson City, MO 65102-1335. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE ENTITY COST****I. RULE NUMBER**

Title: 4 - Department of Economic Development

Division: 145-Missouri Board of Geologist Registration

Chapter: I-General Rules

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 4 CSR 145-1.040 Fees

Prepared September 5, 2001 by the Division of Professional Registration and the Missouri Board of Geologist Registration.

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate annual cost of compliance with the rule by the affected entities:
25	Applicants (Fundamentals of Geology Examination - cost savings of \$25.00)	\$625
Total Cost Savings for the Life of the Rule		\$625

III. WORKSHEET

See Table Above

IV. ASSUMPTIONS

1. It is anticipated that the total savings will recur for the life, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 230—State Board of Podiatric Medicine
Chapter 2—General Rules

PROPOSED RULE

4 CSR 230-2.045 Public Records

PURPOSE: This rule establishes standards of compliance with Chapter 610, RSMo, as it relates to public records of the State Board of Podiatric Medicine.

(1) All public records of the State Board of Podiatric Medicine shall be open for inspection and copying by the general public at the board's office during normal business hours, holidays excepted, except for those records closed pursuant to section 610.021, RSMo. All public meetings of the State Board of Podiatric Medicine, not closed pursuant to the provisions of section 610.021, RSMo, will be open to the public.

(2) The State Board of Podiatric Medicine establishes the executive director of the board as the custodian of its records as required by section 610.023, RSMo. The executive director is responsible for maintaining the board's records and for responding to requests for access to public records and may appoint deputy custodians as necessary for the efficient operation of the board.

(3) When the custodian believes that requested access is not required under Chapter 610, RSMo, the custodian shall inform the requesting party that compliance cannot be made, specifying what sections of Chapter 610, RSMo, require that the record remain closed. Correspondence or documentation of the denial shall be copied to the board's general counsel. The custodian also shall inform the requesting party that s/he may appeal directly to the board for access to the records requested. The appeal and all pertinent information shall be placed on the agenda for the board's next regularly scheduled meeting. If the board reverses the decision of the custodian, the board shall direct the custodian to advise the requesting party and supply access to the information during regular business hours at the requesting party's convenience.

(4) The custodian shall maintain a file that will contain copies of all written requests for access to records and responses to these requests. The requests shall be maintained on file with the board for a period of one (1) year and will be maintained as a public record of the board open for inspection by any member of the general public during regular business hours.

(5) Whenever a request for inspection of public records is made and the individual inspecting the records requests copies of the records, the board may charge a reasonable fee for the cost of inspecting and copying the records. The fee charged by the board shall be as follows:

(A) A fee for copying public records shall not exceed the actual cost of the document search and duplication; and

(B) The board may require payment for these fees prior to making the copies.

AUTHORITY: sections 330.140, 610.010–610.035, and 620.010.14, RSMo 2000. Original rule filed Nov. 1, 2001.

PUBLIC COST: This proposed rule is estimated to cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Podiatric Medicine, Patricia A. Handly, Executive Director, 3605 Missouri Boulevard, PO Box 423, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**
Division 30—Division of School Services
Chapter 4—General Administration

PROPOSED RESCISSON

5 CSR 30-4.040 Annual Public Reporting of Information by School Districts. This rule established the method by which local school districts would annually collect data and provided a public report to the department, media, legislators, parents, and patrons.

PURPOSE: This proposed rescission is necessary due to new legislation, cost statement and department reorganization.

AUTHORITY: section 160.522, RSMo 1994. Original rule filed March 21, 1995, effective Oct. 30, 1995. Rescinded: Filed Oct. 25, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Elementary and Secondary Education, Attention: Dr. Bert Schulte, Assistant Commissioner, Division of School Improvement, PO Box 480, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**
Division 30—Division of School Services
Chapter 4—General Administration

PROPOSED RESCISSON

5 CSR 30-4.045 Collection of School District Reports. This rule established the method by which the Department of Elementary and Secondary Education accessed information reported annually by local school districts.

PURPOSE: This proposed rescission is necessary because the reporting method is incorporated into 5 CSR 50-340.200 Annual Public Reporting of Information by School Districts, the rule specifying data to be included in the report.

AUTHORITY: section 161.092(1) and (4), RSMo 1994. Original rule filed Aug. 26, 1996, effective March 30, 1997. Rescinded: Filed Oct. 25, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Elementary and Secondary Education, Ron Burks, Coordinator, School Improvement and Accreditation Section, PO Box 480, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 30—Division of Administrative and Financial Services

Chapter 660—School Finance

PROPOSED RESCISSION

5 CSR 30-660.030 Determination of the Cost of Education Index. This rule established the cost index for a school district.

PURPOSE: The board is proposing to rescind this rule and Appendix A as the current state aid formula does not reference the Education Index.

AUTHORITY: section 163.011, RSMo Supp. 1992. This rule was previously filed as 5 CSR 40-660.030. Original rule filed March 2, 1983, effective Aug. 12, 1983. Rescinded: Filed Oct. 25, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Elementary and Secondary Education, Attention: Gerri Ogle, Associate Commissioner, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 30—Division of Administrative and Financial Services

Chapter 660—School Finance

PROPOSED RESCISSION

5 CSR 30-660.040 Minimum Salaries. This rule set minimum salary supplement guidelines for public school teachers.

PURPOSE: The board is proposing to rescind this rule as there is no longer a minimum salary supplement program.

AUTHORITY: section 163.172.3, RSMo Supp. 1990. This rule was previously filed as 5 CSR 40-660.040. Original rule filed Nov. 25, 1985, effective Feb. 24, 1986. Amended: Filed Dec. 30, 1987,

effective April 28, 1988. Amended: Filed Nov. 16, 1990, effective June 10, 1991. Rescinded: Filed Oct. 25, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Elementary and Secondary Education, Attention: Gerri Ogle, Associate Commissioner, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 30—Division of Administrative and Financial Services

Chapter 660—School Finance

PROPOSED RESCISSION

5 CSR 30-660.050 Calculation of the Previous Amounts Per Eligible Pupil. This rule required that each public school district's previous amount per eligible pupil be calculated in the same manner.

PURPOSE: The board is proposing to rescind this rule as the current state aid formula does not reference this calculation.

AUTHORITY: section 163.031.5, RSMo 1986. Original rule filed April 24, 1990, effective July 1, 1991. Rescinded: Filed Oct. 25, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Elementary and Secondary Education, Attention: Gerri Ogle, Associate Commissioner, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 50—Division of [Instruction] School Improvement

Chapter 340—[Supervision of Instruction] School Improvement and Accreditation

PROPOSED RULE

5 CSR 50-340.200 Annual Public Reporting of Information by School Districts

PURPOSE: This rule incorporates legislative changes to public reporting of information by school districts on an annual basis.

(1) School districts shall prepare and publish, prior to December 1 of each school year, a school accountability report card for each attendance center in the district. These reports shall be made available to all district patrons and to every household with a student enrolled in the district. The reports shall be distributed to all media outlets serving the district, and shall be made available, upon request, to all district patrons and to each member of the general assembly representing a legislative district that contains a portion of the school district. Methods of distribution may include, but are not limited to:

- (A) Distribution at the time and place of student enrollment;
- (B) Inclusion with student grade reports;
- (C) Newspaper publication;
- (D) Posting by the school district by Internet or other electronic means generally accessible to the public;
- (E) Making copies available upon request at all school or administrative buildings in the school district; or
- (F) Any combination of these methods.

(2) Data to be reported shall include the following:

(A) Enrollment. The number of resident and nonresident students enrolled the last Wednesday of September;

(B) Rates of pupil attendance. The average daily attendance of the regular school term divided by the average of the September and January membership or total hours of student attendance divided by the sum of total hours of student attendance and total hours of absence;

(C) High school dropout rate. The number of dropouts divided by the total of September enrollment plus transfers in, minus transfers out, minus dropouts, added to total September enrollment, then divided by two (2). Dropout rate shall be reported for any racial/ethnicity group with more than thirty (30) students and which exceeds five percent (5%) of attendance center enrollment;

(D) Staffing ratios. The student number is the September enrollment. The teachers and administrators are determined based on the Core Data position codes, as follows:

- 1. Students to all teachers—position Code 60;
- 2. Students to administrators—position Codes 10 and 20; and
- 3. Students to classroom teachers—position Code 60, excluding special education, remedial readings, Title I, and vocational teachers;

(E) Average years of experience of professional staff. Based on the total years of public school experience;

(F) Advanced degrees earned. Percent of staff whose highest degree is above a bachelor's degree;

(G) Average regular and total teacher salaries compared to the statewide average as reported on Core Data for Position Code 60;

(H) Average administrator salaries compared to the statewide average as reported on Core Data for Position Codes 10 and 20;

(I) Average per pupil expenditures for the district as a whole. Current expenditure per average daily attendance (ADA);

(J) Average per pupil expenditures for each attendance center in the district. See Appendix A, included herein, for calculation model;

(K) Voted tax rates. Tax rate ceiling for operations and tax rate ceiling for debt service;

(L) Adjusted tax rates. Actual tax rates levied by fund (after voluntary and Proposition C rollbacks) as filed by September 1 with the county clerk;

(M) Assessed valuation. Assessed valuation minus tax increment financed assessed valuation as of December 31 of previous calendar year;

(N) Percent of the district's operating budget received from:

- 1. State. All state revenues received in the General, Special Revenue, and Capital Projects Funds divided by total revenues received in the General, Special Revenue, and Capital Projects Funds;

2. Federal. All federal revenues received in the General, Special Revenue, and Capital Projects Funds divided by total revenues received in the General, Special Revenue, and Capital Projects Funds; and

3. Local. All local and county revenues received in the General, Special Revenue, and Capital Projects Funds divided by total revenues received in the General, Special Revenue, and Capital Projects Funds;

(O) Number of students eligible for free and reduced lunch. Full-time equivalency count of resident pupils eligible for free or reduced lunch as reported on Core Data;

(P) School calendar information:

- 1. Days for student attendance;
- 2. Days for parent-teacher conferences; and
- 3. Days for staff development or inservice training for certificated staff;

(Q) Data on course offerings. List of courses offered with units of credit identified;

(R) Rates of participation in:

- 1. Parent-teacher conferences. The number of students enrolled with one (1) or more of their parents or guardians attending a conference divided by the number of students enrolled the last Wednesday of September;

- 2. Special education programs. The number of students served in special education programs divided by the number of students enrolled the last Wednesday of September;

- 3. Early childhood special education programs. The number of students enrolled in the programs;

- 4. Parents as teachers programs. The number of families served;

- 5. Vocational education programs. The number of students enrolled in vocational education programs divided by the number of students enrolled the last Wednesday of September;

- 6. Gifted or enrichment programs. The number of students enrolled in gifted or enrichment programs divided by the number of students enrolled the last Wednesday of September;

- 7. Advanced placement programs. The number of students enrolled in Advance Placement programs divided by the number of students enrolled the last Wednesday of September; and

- 8. College admissions testing. The number of high school graduates taking the American College Test (ACT) or Scholastic Aptitude Test (SAT) divided by the number of high school graduates;

(S) Number of students continuing education in post-secondary programs. The previous year's graduates who are attending a two (2) or four (4)-year college as reported on Core Data;

(T) Information about job placement for students who complete the district's vocational education programs as reported on Core Data;

(U) The district's most recent accreditation. Missouri School Improvement Program accreditation rating and measures for school improvement identified in the school improvement plan;

(V) Disciplinary actions within the school district. The number of suspensions or expulsions of ten (10) or more days and durations and reasons for those suspensions and expulsions as reported on Core Data; and

(W) The certification status of teachers (expressed as a percentage of total teachers) based upon the following categories:

- 1. Life, Professional (Professional Class I (PC I), Professional Class II (PC II) and Continuing Professional Certificate (CPC)), or Provisional certificates;

- 2. Temporary Authorization certificates or Special Assignment certificates; and

- 3. Substitute certificates or no certification.

(3) Achievement data including ACT, SAT, and Missouri Assessment Program (MAP) shall be reported using:

(A) At least one (1) comparison of district average with state average or district average with districts having a similar characteristic or characteristics using the same variables for three (3) consecutive years; and/or

(B) No less than three (3)-year history of district scores. The district achievement history becomes comparison variable.

(4) Reporting shall permit disclosure of data on a school-by-school basis, but shall not be personally identifiable by any student or employee. Disaggregated achievement data shall be reported for any racial/ethnicity group with more than thirty (30) students and which exceeds five percent (5%) of attendance center enrollment.

(5) The regulation shall apply to charter schools and to each attendance center in a public school district. Attendance center reports shall include students attending alternative programs within the district.

MODEL (EXAMPLE)

CURRENT EXPENDITURE PER ADA PER ATTENDANCE CENTER

This worksheet provides a model calculation to determine current expenditure per ADA per attendance center meeting the reporting requirements found in Section 160.522, RSMo. If available, existing attendance center expenditure data may be used in lieu of this worksheet. This worksheet may be modified as necessary to more accurately present attendance center data. Data Source: District accounting records and the final Annual Secretary of the Board Report (ASBR).

Enter Attendance Center Code (1050, 4020, etc) 

Part I: Current Instructional Expenditure Per ADA for Attendance Center

A	III-B 1999	Total Instruction	6100-6400	\$ _____
	III-B 2110	Attendance	6100-6400	\$ _____
	III-B 2120	Guidance	6100-6400	\$ _____
	III-B 2130-90	Health, Psych, Speech/Audio	6100-6400	\$ _____
	III-B 2220-90	Media (Library)	6100-6400	\$ _____
	TOTAL CURRENT INSTRUCTIONAL EXPENDITURES FOR ATTENDANCE CENTER			\$ _____
B	Minus Part II, 5170 Student Activities (General + Special Revenue Funds Only)			\$ _____
C	Net Total Current Instructional Expenditures for Attendance Center			\$ _____
D	Total Resident and Non-resident ADA for <u>Attendance Center</u>			_____
E	Current Instructional Expenditure per ADA for Attendance Center (Item C divided by item D)			\$ _____

Part II: Current Support Expenditure Per ADA (District-Wide Expenditures)

F	III-B 2999	Total Support Services	6100-6400	\$ _____
	Minus			
	III-B 2110	Attendance	6100-6400	\$ _____
	III-B 2120	Guidance	6100-6400	\$ _____
	III-B 2130-90	Health, Psych, Speech/Audio	6100-6400	\$ _____
	III-B 2220-90	Media (Library)	6100-6400	\$ _____
	SUBTOTAL CURRENT SUPPORT EXPENDITURES FOR ALL ATTENDANCE CENTERS			\$ _____
G	Minus			
	Part II, 5150-64	Food Service Program	(General Fund Only)	\$ _____
	Part II, 5165	Food Service-Non Program	(General Fund Only)	\$ _____
	Part II, 5333	Food Service-State	(General Fund Only)	\$ _____
	Part II, 5445-48	Food Service-Federal	(General Fund Only)	\$ _____
	Part II, 5481	Summer Food Service Program	(General Fund Only)	\$ _____
H	Net Total Current Support Expenditures			\$ _____
I	Total Resident and Non-resident ADA for <u>District</u>			_____
J	Current Support Expenditure Per ADA (Item H divided by Item I)			\$ _____

Part III: Calculation For Expenditure Per ADA For Attendance Center

K	Current Instructional Expenditure Per ADA For Attendance Center (Item E)			\$ _____
L	Current Support Expenditure Per ADA (Item J)			\$ _____
M	Total Current Operating Expenditure Per ADA For Attendance Center (Item K + Item L)			\$ _____

*AUTHORITY: sections 160.522 and 161.092, RSMo 2000.
Original rule filed Oct. 25, 2001.*

PUBLIC COST: This proposed rule's cost of compliance for elementary and secondary school districts is estimated to be between two hundred sixty-eight thousand five dollars (\$268,005) and four hundred forty-six thousand six hundred seventy-five dollars (\$446,675) annually during the lifetime of the rule.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Elementary and Secondary Education, Attention: Dr. Bert Schulte, Assistant Commissioner, Division of School Improvement, PO Box 480, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PUBLIC COST**

I. RULE NUMBER

Title: 5 – Department of Elementary and Secondary Education

Division: 50 – Division of School Improvement

Chapter: 340 – School Improvement and Accreditation

Type of Rulemaking: Proposed Rule

Rule Number and Name: 5 CSR 50-340.200 Annual Public Reporting of Information by School Districts

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Public Elementary and Secondary School Districts	\$268,005 to \$446,675 per year for the life of the rule
Department of Elementary and Secondary Education	The proposed rule will not cost more than five hundred dollars (\$500) in the aggregate.

III. WORKSHEET

IV. ASSUMPTIONS

The estimated cost of compliance for public elementary and secondary school districts is based on the total student enrollment within the public schools in the state, reduced by the average number of students per household. During the 1999-2000 school year, student enrollment in Missouri public schools stood at 893,350. Census data for the year 2000 provided an estimated number of children per household as 2.5 per family. The cost of duplication and distribution of the school report card will vary based upon the method used for distribution. For the purposes of this fiscal note, it is estimated that the cost of duplication and direct mailing of the report card may range from \$.75 to \$1.25 per household. It is assumed that distribution of the report card through newspaper or Internet publication would reduce this cost.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**
Division 80—Teacher Quality and Urban Education
**Chapter 800—Teacher Certification and Professional
Conduct and Investigations**

PROPOSED AMENDMENT

5 CSR 80-800.360 Certificate of License to Teach
Classifications. The board proposes to amend sections (1), (12), (13), and subsections (3)(A), (5)(B), (6)(B), and (6)(C).

PURPOSE: *This amendment provides consistency in the rule, expands the definition of teaching experience, and allows individuals in alternative teacher education programs to be granted a provisional certificate of license to teach.*

(1) Certificates of license to teach are issued and renewed by the State Board of Education (**the board**) pursuant to the certification requirements found in the *Compendium of Missouri Certification Requirements*, which is incorporated by reference and made a part of this rule, and the rules promulgated by the board.

(3) If a certificate of license to teach is renewed, except for a substitute **certificate of license to teach**, the effective date of renewal will be the date of expiration of the certificate of license to teach, providing that the application for renewal and supporting materials are received by the Department of Elementary and Secondary Education (DESE) prior to or on the expiration date.

(A) If the renewal of the certificate of license to teach is received by *[the department]* DESE within eleven (11) months of the expiration date of the certificate or a shorter time if specified in the rules promulgated by the board, the effective date of renewal will be the certificate's expiration date.

(5) Professional Classification I (PC I)—

(B) During the valid dates of the PC I classification, the certificate holder shall complete the following requirements:

1. Verification of three (3) years of state-approved teaching experience;

2. Develop and implement a detailed professional development plan, approved by the local board of education, to include clearly stated goals for improvement and enrichment;

3. Participate in an entry-year mentor program, the guidelines for which shall be established by the local board of education;

4. Participate in a beginning teacher assistance program from a Missouri college or university if the teacher education program was completed in a Missouri institution. The assistance may include retraining, internships, counseling and in-service training;

5. Continue professional growth to include thirty (30) clock hours of in-service training as defined in criteria established by the *[State Board of Education]* board; and

6. Participate in the district's Performance-Based Teacher Evaluations (PBTEs).

(6) Professional Classification II (PC II)—

(B) During the valid dates of the PC II classification, the certificate holder shall complete the following requirements:

1. An additional seven (7) years of state-approved teaching experience;

2. Implement or continue a detailed professional development plan approved by the local board of education, to include clearly stated goals for continued improvement and enrichment;

3. Earn twelve (12) semester hours, other than internship credit, appropriate to teaching area(s) or toward a planned masters degree. The masters degree shall be in education or in an area of certification. An exception from this twelve (12)-hour requirement

exists if the certificate holder has already earned a masters degree in education or in an area of certification;

4. Continue professional growth to include thirty (30) clock hours of in-service training as defined in criteria as established by the *[State Board of Education]* board or serve as a mentor in the entry-year mentor program, the guidelines for which shall be established by the local board of education; and

5. Participate in the district's PBTEs.

(C) If the holder of a PC II has not met the above-mentioned criteria for upgrade to a CPC, the PC II may be extended once for three (3) years upon written request. Additional renewals for seven (7) years may be granted upon completion of the following:

1. An additional seven (7) years of state-approved teaching experience;

2. Continuation of a detailed professional development plan approved by the local board of education, to include clearly stated goals for continued improvement and enrichment;

3. Earning twelve (12) semester hours, other than internship credit, appropriate to teaching area(s) or toward a planned masters degree. The masters degree shall be in education or in an area of certification. An exception from this twelve (12)-hour requirement exists if the certificate holder has already earned a masters degree in education or in an area of certification;

4. Continuation of professional growth to include thirty (30) clock hours of in-service training as defined in criteria as established by the *[State Board of Education]* board or serve as a mentor in the entry-year mentor program, the guidelines for which shall be established by the local board of education; and

5. Participation in the district's PBTEs.

(12) Approved teaching experience, as described in the rules promulgated by the board, must be in Missouri public schools, schools approved or accredited by the state education agency in states other than Missouri, or in nonpublic schools accredited by an affiliate of the National Federation of Nonpublic School State Accrediting Associations, or one (1) of the six (6) regional accrediting associations for schools and colleges, or by the University of Missouri-Columbia, or other schools accredited by a DESE-approved accrediting agency which incorporate standards that include an entry-year mentor program, professional development plans for faculty, in-service training for faculty, and PBTEs. Teaching experience must be contracted and at least half-time. Substitute teaching or serving as a teacher's aide or assistant will not be counted as teaching experience.

(13) Provisional certificates of license to teach may be issued to an individual for two (2) years and may be extended upon a showing of good cause. Provisional certificates of license to teach may be issued in the following situations:

(A) The individual has completed a bachelor's or higher degree and the academic requirements for a certificate of license to teach, but has not taken or passed the exit assessment(s) designated by the board; or

(B) The individual has been admitted into a state-approved post-baccalaureate or alternative professional education program at a Missouri institution of higher education and is actively engaged in coursework to satisfy the requirements of the program; or

(B)/(C) The individual has completed a teacher preparation program and is generally within twelve (12) semester hours of completion of the certification requirements as set forth in the *Compendium of Missouri Certification Requirements* which is incorporated by reference and made a part of this rule.

AUTHORITY: sections 161.092, 168.011, 168.021, 168.071 [RSMo Supp. 1999.] 168.081, 168.400, 168.405 and 168.409, RSMo 2000. Original rule filed April 26, 2000, effective Nov. 30,

*2000. Amended: Filed March 27, 2001, effective Oct. 30, 2001.
Amended: Filed Oct. 25, 2001.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Elementary and Secondary Education. Attention: Dr. Orlo Shroyer, Deputy Commissioner, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 80—Teacher Quality and Urban Education Chapter 805—Teacher Education

PROPOSED RULE

5 CSR 80-805.030 Innovative and Alternative Professional Education Programs

PURPOSE: *The State Board of Education is authorized to grant certificates of license to teach in any of the public schools of the state and establish requirements and qualifications for those certificates. This rule outlines the criteria for innovative or alternative programs for preparing candidates for a certificate of license to teach in Missouri.*

(1) For purposes of this rule, unless the context clearly indicates otherwise, the following terms shall mean:

(A) Alternative program. A program for the preparation of professional school personnel that provides a curriculum for non-traditional candidates enabling them to meet the requirements for state certification;

(B) Conceptual framework. The rationale and organizing principles that guide the development of the knowledge base, structure, operation, curriculum and accountability for a professional education program;

(C) Conventional program. A program for the preparation of professional school personnel incorporating a four (4)-year plan of general education, content and professional studies and designed for candidates who enter college upon graduation from high school;

(D) Innovative program. A program for the preparation of professional school personnel that incorporates innovative ways of delivering an institution's prescribed curriculum (ex. field-based instruction, distance learning via telecommunications or Internet, etc.); and/or

(E) Non-traditional candidate. An individual enrolled in a program of instruction at a college or university who has not followed a path of continued enrollment from high school. A non-traditional candidate is typically more than twenty-five (25) years of age.

(2) An institution of higher education having state-approved conventional professional education programs qualifying candidates for a Missouri certificate of license to teach may also offer innovative or alternative programs leading to a certificate of license to teach.

(A) Innovative programs may include any area for which a certificate of license to teach is available through the Department of Elementary and Secondary Education (DESE). Alternative pro-

grams shall not include the classifications of early childhood education, elementary education or special education.

(B) An institution seeking to offer an alternative certification program must have a conventional DESE approved professional education program in the same area of certification existing at its home campus.

(C) An institution seeking to offer an innovative or alternative professional education program shall submit a proposal to the Teacher Education Section at DESE addressing the elements discussed in this section. Only those programs which DESE determines to have merit and potential for providing quality preparation for candidate certification will be considered for approval. The proposals should include at a minimum the following elements:

1. A description of the proposed program based upon a statement of the purpose and objectives for an area of the public school curriculum and a statement of the nature of the proposed program that is consistent with those objectives, the mission of the institution, and the conceptual framework for the professional education unit. These statements shall be collaboratively prepared and shall be based on analyses of current practices and trends in the identified area of the public school curriculum;

2. A clearly formulated statement of the competencies for educators in the identified area of the public school curriculum. These competencies shall include subject knowledge and professional skills based upon current research and practice and shall include the competencies for educators identified in standards for professional education programs adopted by the State Board of Education (the board);

3. A curriculum matrix delineating the courses and supervised field experiences prescribed to address competencies appropriate for a beginning teacher candidate to meet state certification requirements, a description of the process by which the candidates will be prepared, and provisions for assessing candidates and keeping records of their progress through the program;

4. Identification of the administrative structure of the proposed program indicating that responsibility for the program is vested in the professional education unit of the institution. Institutions shall designate the appropriate department, division, school, or college within the institution to act within the framework of general institutional policies on all matters relating to such programs;

5. Clearly identified human and physical resources to support the program. The continuing availability of the resources shall be assured for the duration of the program. Any resources not under the control of the institution shall be defined and confirmed by the controlling agency; and

6. A written plan for the continuing evaluation of the proposed program including definition and specification of the kinds of evidence that will be gathered and reported to the institution and the state education agency at designated intervals. Evaluation reports shall provide information to identify areas in the program that need to be strengthened and/or to suggest new directions for program development.

(D) Innovative and alternative programs shall abide by and be evaluated according to the Missouri standards for professional education programs included in rules promulgated by the board.

(3) Any candidate who meets the criteria established by a Missouri college or university for its conventional professional education programs may be accepted into an innovative professional education program.

(4) Candidates meeting certain criteria may be accepted into an alternative certification program offered by a Missouri college or university. These criteria include:

(A) The candidate shall present evidence of employment by a school district in Missouri prior to acceptance into an alternative certification program;

(B) The candidate shall undergo a background check conducted by the Missouri Highway Patrol and the Federal Bureau of Investigation (FBI), which includes submitting to DESE two (2) full sets of fingerprints on forms provided by the board and completed by any law enforcement agency. The candidate is responsible for the payment of any fees required by the Missouri Highway Patrol and/or FBI;

(C) The candidate shall have earned a bachelor's or higher degree in the content area or a closely allied field of the desired certificate of license to teach from a regionally accredited institution and shall have a cumulative grade point average no lower than the Missouri requirement for teacher certification (2.5 on a 4.0 scale) and a grade point average no lower than 2.5 in the major (content) area;

(D) The candidate shall verify the completion of general education requirements to the satisfaction of the teacher education institution offering the alternative program;

(E) The candidate shall document a minimum of three (3) years of successful employment during which the substance of the candidate's degree major was significantly applied. The college or university offering the alternative program shall determine the necessary documentation;

(F) The candidate shall participate in a structured interview conducted by the teacher education institution to assess the candidate's beliefs regarding the nature of teaching, the nature of students and the mission and goals of education as a profession. The interview should be utilized for screening, diagnostic and advising purposes;

(G) The candidate shall complete coursework, which addresses adolescent development, psychology of learning, and teaching methodology in the content area, prior to receiving provisional certification and entering a public school classroom;

(H) Upon successful completion of the coursework outlined in the previous subsection, the candidate will enter into a four (4)-party contract with the recommending college or university, the employing Missouri school district, and DESE. Candidates will receive a two (2)-year provisional certificate of license to teach and shall:

1. Be assigned by the school district a mentor who teaches the same subject and approximately the same grade level to observe and work with the candidate while s/he is teaching during the school day until the candidate completes the alternative program;

2. Receive any additional assistance, as determined by the college or university, until the candidate completes the alternative program;

3. Participate in the employing district's professional development programs;

4. Participate in the district's Performance-Based Teacher Evaluation (PBTE) program; and

5. Continue professional growth to include thirty (30) clock-hours of in-service training as defined in criteria established by the board; and

(I) The candidate shall complete at least eight (8) semester hours of professional education coursework no later than the summer following the awarding of the provisional certificate.

(5) Prior to the expiration of the provisional certificate of license to teach, the candidate must successfully complete the exit assessment designated by the board. The exit assessment and the provisions outlined in the previous subsection must be completed prior to being granted a Professional Classification I (PC I) certificate of license to teach.

(6) Institutions will be responsible for the recommendation of candidates who complete innovative or alternative certification programs for professional certification in the same manner as those completing conventional programs according to the rules promulgated by the board.

AUTHORITY: sections 161.092, 161.097, 168.011, 168.021 and 168.081, RSMo 2000. Original rule filed Oct. 25, 2001.

PUBLIC COST: This proposed rule is estimated to cost each public institution of higher education offering an alternative teacher education program one hundred twenty-two thousand five hundred dollars (\$122,500) for the fiscal year 2002, with that cost recurring annually over the life of the rule. The rule will cost all public entities eight hundred fifty-seven thousand five hundred dollars (\$857,500) for fiscal year 2002, with that cost recurring annually over the life of the rule, based on seven (7) institutions choosing to offer alternative programs. A fiscal note containing the estimated cost per institution and aggregate total has been filed with the secretary of state.

PRIVATE COST: This proposed rule is estimated to cost each private institution of higher education offering an alternative teacher education program one hundred twenty-two thousand five hundred dollars (\$122,500) for the fiscal year 2002, with that cost recurring annually over the life of the rule. The rule will cost all private entities eight hundred fifty-seven thousand five hundred dollars (\$857,500) for fiscal year 2002, with that cost recurring annually over the life of the rule, based on seven (7) institutions choosing to offer alternative programs. A fiscal note containing the estimated cost per institution has been filed with the secretary of state.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Elementary and Secondary Education. Attention: Dr. Mike Lucas, Director of Teacher Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PUBLIC COST**

I. RULE NUMBER

Title: 5 Department of Elementary and Secondary Education

Division: 80 Teacher Quality and Urban Education

Chapter: 805 Teacher Education

Type of Rulemaking: Proposed Rule

Rule Number and Name: 5 CSR 80-805.030, Innovative and Alternative Professional Education Programs

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Public Institutions of Higher Education (IHEs)	\$122,500 per institution annually \$857,500 aggregate cost for fiscal year 2002

III. WORKSHEET

The estimates attend to three (3) areas of cost:

1. Staffing Costs
2. Facilities Costs
3. Administrative Costs

1. Estimated Staffing Costs

An institution of higher education offering an alternative program for teacher certification may incur additional costs for personnel to implement and administer the program.

Based upon information provided by institutions that have piloted alternative programs for certification the following annual costs are estimated for staffing:

1 FTE Professional (Program Coordinator)	\$45,000
1 FTE Program Specialist	\$20,500
Additional faculty for instruction and supervision	<u>\$47,500</u>
Total staffing costs	\$113,000

2. Estimated Facilities Costs

Institutions offering alternative programs typically conduct some classes at off-campus sites.

Rent for off-campus sites @ \$2,250/site	\$4,500
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3. Administrative Costs

Supplies, forms, publications, etc.	\$5,000
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Total estimated cost per institution for implementing an alternative teacher certification program	\$122,500*
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Total Public Entity Annual Cost FY2002	\$857,500
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* The total estimated cost per institution is based upon the upper limit of the cost estimates of each component.

IV. ASSUMPTIONS

1. The institutional costs may recur each year for the life of the rule and may vary slightly due to inflation.
2. It is assumed that seven (7) public institutions of higher education will initiate alternative teacher education programs in fiscal year 2002.

**FISCAL NOTE
PRIVATE COST**

I. RULE NUMBER

Title: 5 Department of Elementary and Secondary Education

Division: 80 Teacher Quality and Urban Education

Chapter: 805 Teacher Education

Type of Rulemaking: Proposed Rule

Rule Number and Name: 5 CSR 80-805.030, Innovative and Alternative Professional Education Programs

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Four-year Institutions of Higher Education (IHEs) = 23	Private colleges and universities that offer alternative certification programs	\$122,500 per IHE annually \$857,500 aggregate cost for fiscal year 2002

III. WORKSHEET

The estimates attend to three (3) areas of cost:

1. Staffing Costs
2. Facilities Costs
3. Administrative Costs

1. Estimated Staffing Costs

An institution of higher education offering an alternative program for teacher certification may incur additional costs for personnel to implement and administer the program.

Based upon information provided by institutions that have piloted alternative programs for certification the following annual costs are estimated for staffing:

1 FTE Professional (Program Coordinator)	\$45,000
1 FTE Program Specialist	\$20,500
Additional faculty for instruction and supervision	<u>\$47,500</u>
Total staffing costs	\$113,000

2. Estimated Facilities Costs

Institutions offering alternative programs typically conduct some classes at off-campus sites.

Rent for off-campus sites @ \$2,250/site	\$4,500
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3. Administrative Costs

Supplies, forms, publications, etc.	\$5,000
-------------------------------------	---------

Total estimated cost per institution for implementing an alternative teacher certification program	\$122,500*
--	------------

Total Private Entity Annual Cost FY2002	\$857,500
--	------------------

* The total estimated cost per institution is based upon the upper limit of the cost estimates of each component.

IV. ASSUMPTIONS

1. The institutional costs may recur each year for the life of the rule and may vary slightly due to inflation.
2. It is assumed that seven (7) private institutions of higher education will initiate alternative teacher education programs in fiscal year 2002.

Title 6—DEPARTMENT OF HIGHER EDUCATION
Division 10—Commissioner of Higher Education
Chapter 2—Student Financial Assistance Program

PROPOSED AMENDMENT

6 CSR 10-2.030 Eligibility to Participate in the Missouri Student Loan Program. The commissioner of Higher Education proposes to amend sections of the *Common Manual, Unified Student Loan Policy*, which establishes policies for the implementation and operation of the Missouri Student Loan Program for borrowers, schools, lenders, and third-party servicers, by replacing incorporated by reference materials.

PURPOSE: *The Common Manual, Unified Student Loan Policy is produced collectively by the Missouri Student Loan Program and all other guaranty agencies that administer this federal program. This amendment reflects revisions to that manual which was changed to incorporate new guarantor policies and federal regulatory changes.*

PUBLISHER'S NOTE: *The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.*

AUTHORITY: *sections 173.095, 173.100, 173.105, 173.110, 173.115 and 173.120–173.186, RSMo 2000. Original rule filed June 8, 1979, effective Nov. 11, 1979. For intervening history, please consult the Code of State Regulations. Amended: Filed Nov. 1, 2001.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Higher Education, Commissioner of Higher Education, 3515 Amazonas Drive, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 4—Licenses

PROPOSED AMENDMENT

11 CSR 45-4.030 Application for Class A License. The commission is amending section (2) and deleting the forms in Appendix A as incorporated in the rule.

PURPOSE: *This amendment removes the application form from the rule.*

(2) For a Class A license an applicant must disclose on an application [(see forms Appendix A incorporated by reference in this rule)] **form obtained from the commission** at a minimum—

AUTHORITY: *sections 313.004, 313.805, RSMo 1994] and 313.807, RSMo [Supp. 1997] 2000. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 29, 2001.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for 10:00 a.m. January 10, 2002, in the Gaming Commission Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 4—Licenses

PROPOSED AMENDMENT

11 CSR 45-4.200 Supplier's License. The commission is amending section (2) and deleting the forms as incorporated in Appendix A.

PURPOSE: *This amendment removes the application form from the rule.*

(2) Applications shall be made on a form [(see Appendix A of this rule)] obtained from the commission. **Copies** of all necessary forms are available for public inspection at the offices of the commission.

AUTHORITY: *sections 313.004, 313.805 and 313.810, RSMo [1994] 2000. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 29, 2001.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A*

public hearing is scheduled for 10:00 a.m. January 10, 2002, in the Gaming Commission Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 4—Licenses

PROPOSED AMENDMENT

11 CSR 45-4.205 Affiliate Supplier's License. The commission is amending section (2).

PURPOSE: This amendment removes the reference to application forms found in 11 CSR 45-4.200, Appendix A.

(2) Applications for an affiliate supplier's license shall be made on a form [(see Appendix A of 11 CSR 45-4.200)] obtained from the commission. [A copy] Copies of all necessary forms are available for public inspection at the offices of the commission.

AUTHORITY: sections 313.004, 313.800, 313.805, 313.807[, RSMo Supp. 1997] and 313.812, RSMo [1994] 2000. Original rule filed May 13, 1998, effective Oct. 30, 1998. Amended: Filed Oct. 29, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for 10:00 a.m. January 10, 2002, in the Gaming Commission Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 4—Licenses

PROPOSED AMENDMENT

11 CSR 45-4.260 Occupational Licenses. The commission is amending section (2).

PURPOSE: This amendment removes the reference to application forms in 11 CSR 45-4.030, Appendix A.

(2) As a condition of licensure, all applicants for occupational licenses are required to be fingerprinted, photographed and execute such waivers as may be provided by forms approved by the commission [(see 11 CSR 45-4.030, Appendix A)].

AUTHORITY: sections 313.004 and 313.805, RSMo [1994] 2000. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 29, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty days (30) after publication of this notice in the Missouri Register. A public hearing is scheduled for 10:00 a.m. January 10, 2002, in the Gaming Commission Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo

PROPOSED RULE

11 CSR 45-30.025 Bingo Promotions

PURPOSE: This rule establishes the general guidelines and restrictions licensed charitable organizations must follow to conduct "free no charge" promotional events in conjunction with their bingo game, pursuant to section 313.040, RSMo.

(1) Bingo promotions are defined as free drawings, free pull tabs, or any other free games (other than free bingo) offered in conjunction with a bingo event in which a cash, merchandise, or other item of value is awarded. All persons sixteen (16) years of age or older would be eligible to enter the bingo hall without charge and participate in the drawing or game without any charge whatsoever and with no solicitations of any kind for donations.

(2) Prizes awarded from bingo promotions would not count against the three thousand six hundred dollars (\$3,600) maximum that a licensed organization could award during any single bingo event.

(3) The licensee shall submit a Bingo Promotion Request form (as provided by the commission) to the commission requesting to conduct a bingo promotion or regularly scheduled promotions. The form must be submitted at least thirty (30) days prior to any planned event(s). The form must be complete and include the licensee's name and license number, the times, dates, and locations of the bingo promotion, and the signature of an authorized representative or officer of the organization attesting to the accuracy of the information submitted.

(4) Pre-approval by Missouri Gaming Commission: No bingo promotion will be conducted unless it has first been requested on a Bingo Promotion Request form by the licensee and approved in writing by the commission. Applications may be for a single event or for regularly recurring events, e.g., in conjunction with every bingo event, during the last bingo event of each month, every other week, etc. Once approved, any changes in an approved bingo promotion would require another application and approval by the commission.

(5) No consideration: "Free" means there is no direct or indirect cost to any person seeking to win the award in the bingo promotion. Check-off blocks on the form will require the applicant declare that if bingo paper is used, it will be provided free, and that no admission will be charged for the time period during which the bingo promotion will be played or thirty (30) minutes prior to

beginning the bingo promotion. Organizations that customarily charge an admission fee could not have bingo promotions unless they submit a written plan that ensures to the satisfaction of the commission that participants in any bingo promotion offered by the licensee will not have any direct or indirect cost associated with their eligibility to participate in the promotion.

(6) Scheduling: The application will state specifically when the bingo promotion will be conducted in proximity with the regular bingo event, e.g., immediately before the start of the regular bingo event, during intermission, or at the conclusion of the regular bingo event.

(7) Maximum Prize/Funding Source: No licensee may award bingo promotion prizes or awards in an amount that exceeds two percent (2%) of their net bingo profits or more than five hundred dollars (\$500) in cash or merchandise in conjunction with any single bingo event. The value of merchandise will be defined as the fair market value of the merchandise. Except for any donated prizes, bingo promotions will be funded only by bingo funds within the above restrictions and those contained in 11 CSR 45-30.020. If any donated prizes are awarded, the licensee will maintain applicable documentation for at least three (3) years on the source of the donation, a description of the prize that was donated, and the fair market value of the prize.

(8) Location: Each bingo promotion will be conducted at the approved location where the licensee conducts the bingo event.

(9) Participation: All persons sixteen (16) years of age or older are eligible to participate in the bingo promotion without any direct or indirect charge. Bingo workers may NOT participate in the promotion.

(10) No "Progressive" Promotions: Bingo promotions will be played to their conclusion each scheduled session, e.g., if the person whose number is drawn in a free drawing is not present, another number will be drawn until there is a winner. No bingo promotion will be allowed to carry over to a subsequent bingo event.

(11) Conduct of the Bingo Promotion: Bingo promotions will be conducted in such a manner that the chance of winning shall be equal to all participants. Bingo selection equipment may be used to determine the winner.

(12) Record of Winner: The operator of any bingo promotion will keep a Bingo Promotion Winner Record (form provided by the commission) of all bingo promotions to include but not limited to the date and prize awarded, and the winner's name, telephone number, and physical address (street name and number – no PO Box or General Delivery). If the prize is merchandise, the invoice value of the merchandise will be shown on the form. Licensees shall retain all Bingo Promotion Winner Record forms and invoices for merchandise given as prizes for a three (3)-year period.

(13) Violation Subject to Disciplinary Action: Licensees who fail to comply with this rule will be subject to disciplinary action as provided in section 313.052, RSMo.

AUTHORITY: section 313.065, RSMo 2000. Original rule filed Oct. 29, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Gaming Commission, Bingo Division, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. Private entities who feel there is cost which exceeds five hundred dollars (\$500) associated with this rule, are requested to submit the cost (estimated or actual, if available) with the comments. Public hearing is scheduled for 10:00 a.m. on January 10, 2002, in the Commission hearing room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division**

PROPOSED AMENDMENT

11 CSR 50-2.150 Brake Performance. The division proposes to delete subparagraph (1)(C)1.E.

PURPOSE: This proposed amendment deletes reference to the master cylinder gasket rejection which is addressed in this rule in error.

(1) A brake performance test shall be performed by an inspector/mechanic on all single unit motor vehicles equipped with mechanical, hydraulic or power assisted hydraulic service brakes. The brake performance test may be conducted by using any one (1) of the following procedures: a decelerometer test, a drive and stop test, a brake testing machine, or a dynamometer test. The selected test shall be conducted on the inspection station premises.

(C) Brake Testing Machine. Drive vehicle onto brake testing machine. Apply brakes firmly at a speed from four to eight (4–8) mph without wheel lock-up. If a computerized brake testing machine is utilized, a copy of the results will be provided to the vehicle owner.

1. Reject vehicle if:

A. The vehicle is not capable of developing evaluated braking force equal to or greater than that shown for its classification as prescribed in Table I. At least three (3) tests should be made before a vehicle is rejected;

B. Any wheel fails to indicate braking action;

C. The reading on any one (1) wheel is less than seventy-five percent (75%) of the reading on the other wheel on the same axle; or

D. The braking force of both wheels on one (1) axle is more than seventy-five percent (75%) of the total force of all the wheels. [*; or*]

E. Master cylinder gasket is torn or misshaped.]

AUTHORITY: section 307.360, RSMo [1994] 2000. Original rule filed Nov. 4, 1968, effective Nov. 14, 1968. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Nov. 1, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Public Safety, Missouri State Highway Patrol, PO Box 568, Jefferson City, MO 65102-0568. To be considered,

comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division

PROPOSED AMENDMENT

11 CSR 50-2.170 Air and Vacuum Brake Systems. The division proposes to amend subsection (4)(A).

PURPOSE: This proposed amendment addresses additional brake systems to be inspected that are presently not covered in this rule.

(4) Commercial Vehicles Emergency and Parking Brakes.

(A) Every vehicle equipped exclusively with an air brake system and every commercial motor vehicle equipped with a vacuum, *[or]* air over hydraulic, **hydroboost or electrohydraulic booster** brake system shall be equipped with parking brakes adequate to hold the vehicle or combination on any grade upon which it is operated under any condition of loading, on a surface free from ice and snow. The parking brake shall be capable of being applied by the driver's muscular effort or by spring action. Their operation may be assisted by the service brakes or other source of power, provided that failure of the service brakes or other power assisting mechanisms will not prevent the parking brakes from being applied. The parking brake shall be so designed that when once applied it shall remain in the applied position despite exhaustion of any source of energy or leakage of any kind. Emergency system—apply the emergency operating control fully or release air pressure from the spring brake actuators using the manual control valve. Observe locking and holding feature of the actuating mechanism. Observe operating mechanisms for bottoming before brakes are fully applied. Observe if spring brakes apply when control valve is manually operated. Inspect for worn, missing or defective cotter pins, springs, rods, yokes, couplings or anchor pins and cables. Observe if mechanism releases brakes when release control is operated.

AUTHORITY: section 307.360, RSMo [1994] 2000. Original rule filed Nov. 4, 1968, effective Nov. 14, 1968. For intervening history, please consult the Code of State Regulations. Amended: Filed Nov. 1, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Public Safety, Missouri State Highway Patrol, PO Box 568, Jefferson City, MO 65102-0568. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division

PROPOSED AMENDMENT

11 CSR 50-2.240 Tires. The division proposes to amend section (1).

PURPOSE: This proposed amendment deletes reference to the inspection of spare tires on school buses.

(1) Inspect all tires except the spare tire for tread wear, knots, cuts, separations, mismatching of tire types and for tire markings such as "reject" or "for non-highway use." *[The spare tire will not be inspected except for proper mounting location on school buses.]*

AUTHORITY: section 307.360, RSMo [1994] 2000. Original rule filed Nov. 4, 1968, effective Nov. 14, 1968. For intervening history, please consult the Code of State Regulations. Amended: Filed Nov. 1, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Public Safety, Missouri State Highway Patrol, PO Box 568, Jefferson City, MO 65102-0568. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division

PROPOSED AMENDMENT

11 CSR 50-2.320 School Bus Inspection. The division proposes to amend subsections (2)(D), (2)(E), (3)(A), (3)(E), (5)(B), (5)(C), paragraph (5)(F)9., subsections (7)(A)–(7)(D), subsections (9)(A), (9)(C), (13)(A), (13)(B), paragraph (13)(B)1., subsection (15)(A), amend section (16), add new subsections (16)(A) and (16)(B), reletter the remaining subsections, add new paragraph (16)(D)6., amend subsections (18)(A), (18)(B), (18)(E), (21)(A), (22)(F), delete subsection (22)(G) and reletter the remaining subsections accordingly.

PURPOSE: This proposed amendment attempts to clarify items required to be inspected on school buses and to bring the rules into conformity with the National School Bus Standards.

(2) Lighting Equipment and Signalling Devices.

(D) Stop/Taillights. Types **A-I**, **B**, **C** and **D** school buses shall be equipped with two (2) red stoplights seven inches (7") in diameter (prior to December 1988, six inches (6") in diameter), or if a shape other than round, a minimum of thirty-eight (38) square inches of illuminated area and two (2) red stop/taillights four inches (4") in diameter, or if a shape other than round, a minimum of twelve (12) square inches of illuminated area. The four-inch (4") stop/taillights shall operate in combination with the seven-inch (7") stoplights on school buses manufactured after December 31, 1988, when the service brake is applied. All stop/taillights must operate if so equipped. Type **A-II** buses with bodies supplied by chassis manufacturer may have manufacturer's standard stop and tail lamps.

(E) Turn Signals. Type **B**, **C** and **D** school buses manufactured prior to January 1, 1993, shall be equipped with turn signals as originally equipped by the manufacturer. Type **B**, **C** and **D** school buses manufactured after January 1, 1993, shall be equipped with front and rear flashing turn signals **amber in color** at least seven

inches (7") in diameter or if a shape other than round, a minimum of thirty-eight (38) square inches of illuminated area is required. [*Turn signals may be in the manufacturer's standard color.*] Type A [and B] conversion vehicle['s] [turn signal lamps] must be **equipped with front and rear turn signal lamps providing** twenty-one (21) square inches of illuminated area in the manufacturer's standard color. **If a school bus is equipped with side mounted turn signals, each must operate as intended.**

(3) Lettering and Signs.

(A) School buses shall have on the front and rear or on signs attached to them the words SCHOOL BUS plainly visible in black letters at least eight inches (8") in height. School buses shall have displayed on the rear in plain and distinct black letters the following: STATE LAW: STOP WHILE BUS IS LOADING AND UNLOADING. The letters in the words STATE LAW: STOP shall be at least five inches (5") and the letters in the other words at least three inches (3") in height. District-owned school buses shall display on each side the name and number of the school district in black letters at least three inches (3") in height. Buses manufactured prior to October 1, 1981, may display the school district name and number with national school bus yellow lettering. Privately-owned school buses shall display on each side, in a conspicuous location, the name and address of the owner in black letters at least two inches (2") in height with a stroke of not less than one-quarter of an inch (1/4") wide. [*Buses with wheelchair lifts used for transporting handicapped children may display universal handicapped symbols on front and rear of vehicle below the window line. Emblems must be white on blue and not exceed twelve inches (12") in size.*] **Signs or stickers on the rear of the bus not relating to school bus flashing signal lamps, railroad stop procedures or other similar safety messages are prohibited.**

(E) Reject vehicle if:

1. Vehicle does not display the proper lettering; *[or]*
2. Sign is improperly located, incorrect size or poses a safety hazard[.]; or

3. Signs or stickers are non-safety related.

(5) Exhaust System.

(B) The tailpipe shall be constructed of a corrosion-resistant tubing material at least equal in strength and durability to sixteen (16)-gauge steel tubing. The tailpipe shall be of sufficient length to exit at the rear of the bus or at the left side no more than eighteen inches (18") forward of the rear wheel house opening, and shall *[not protrude from the bus]* **be flush with or may extend not more than two inches (2") beyond the perimeter of the body or bumper.**

(C) Type A and B buses may be equipped with the manufacturer's standard tailpipe.

(F) Reject vehicle if:

1. A manifold, manifold gasket, flange gasket or a connection of any other component is loose or leaking;
2. Holes are present in the exhaust pipe, muffler, tailpipe or if there are leaking patches or seams (Patches made with an arc or acetylene weld are accepted.);
3. The tailpipe end is pinched or broken off from rear support bracket;
4. Any part of the system is supported by wire or if any component is not securely attached by supporting hardware, such as bolts, brackets, clamps or hangers;
5. The vehicle has no exhaust pipe, muffler or tailpipe;
6. Any part of the system passes through the occupant compartment;
7. The tailpipe fails to discharge exhaust from the rear or left side of vehicle or if it exits beneath a fuel fill on Type C and D buses;

8. The tailpipe of a school bus is not a sixteen (16)-gauge steel or equivalent; or

9. The tailpipe [*protrudes from the bus*] **is not flush with or extends more than two inches (2") beyond the perimeter of the body or bumper.**

(7) Bumper.

(A) Rear Bumper. Types A-I, B, C and D school buses shall be equipped with a rear bumper of pressed steel at least three-sixteenths inch (3/16") thick and eight inches (8") wide **(nine and one-half inches (9 1/2") if manufactured after January 1, 1997)**. The bumper shall wrap around the back corners of the school bus and extend forward at least twelve inches (12"). The bumper shall extend at least one inch (1") beyond the rearmost part of the body surface and shall be properly attached to prevent the hitching of rides. Type A-II school buses may be equipped with the manufacturer's standard rear bumper.

(B) Front Bumper. School buses shall be equipped with a front bumper, which may include an energy absorbing bumper. All school buses manufactured after March 1, 1987, shall be equipped with a front bumper made of pressed steel at least three-sixteenths inch (3/16") thick and not less than eight inches (8") wide, unless using an energy absorbing *[b]*Bumper. **Type A buses may be equipped with the manufacturer's standard front bumper.**

(C) Inspect the *[b]*Bumpers.

(D) Reject vehicle if:

1. Not equipped with *[a]* proper bumpers;
2. *[The]*A bumper is loosely attached; or if a broken or torn portion is protruding, creating a hazard; or if the improper attachment permits the hitching of rides;
3. The bus is equipped with a trailer hitch or similar device which will permit hitching of rides.

(9) Emergency Door(s), Exits and Buzzer.

(A) All school buses shall be equipped with an emergency door or exit located in the rear and may be equipped with additional emergency doors and exits. The emergency door shall be designed to be opened from inside and outside. The device used to open the door from the outside shall be designed to prevent hitching to, but one which permits opening when necessary. The rear emergency door latch shall be equipped with an interior handle that lifts upward to release and all emergency doors and exits shall be equipped with a suitable electric switch connected with a buzzer audible in the driver compartment. The switch shall be installed in a manner that any movement of the slide bar or release mechanism will immediately sound the buzzer. All emergency doors and exits shall be identified by the words EMERGENCY DOOR or EMERGENCY EXIT both inside and outside the bus in letters at least two inches (2") high *[in the immediate area of the door or exit]. The words EMERGENCY DOOR shall be placed at the top of or directly above the emergency door, or on the door in the metal panel above the top glass both inside and outside the bus. The words EMERGENCY EXIT shall be placed at the top of or directly above or at the bottom of the emergency window exits both inside and outside the bus. The designation for roof exits shall be located on the inside surface of the exit, or within twelve inches (12") of the roof exit opening.* A metal guard shall be placed over the door control on the inside of a rear door. The passageway to the emergency door shall be at least twelve inches (12") wide on all school buses. [*Type A school buses designed as 1974 or later models must be equipped with an emergency door buzzer.*] A lock may be placed on an emergency door or exit. However, the engine starting and operating system must not function if any emergency door or exit is locked from either inside or outside of the bus.

(C) Reject vehicle if *[the]*:

1. Doors or exits bind or catch when opening;

2. Passageway to the emergency door is blocked or restricted in any way to less than twelve inches (12") in width.

3. Any emergency door or exit release mechanism fails to work properly, from the inside or outside of the bus;

4. Slide bar on Types B, C and D buses has less than one inch (1") stroke length;

5. **Emergency door /B/buzzer** fails to sound or is not audible in the driver's compartment [*or in the vicinity of the emergency door*] when the slide bar is moved;

6. Any emergency or roof exit buzzer fails to sound or is not audible in the driver's compartment when the release mechanism is activated;

[6.] 7. Words EMERGENCY DOOR or EMERGENCY EXIT are not properly displayed; or

[7.] 8. Bus engine will start with emergency door(s) or exits locked.

(13) Step Treads, Aisle Mats or Runners.

(A) Types B, C and D School Buses Only.

1. The surface of step treads shall be of nonskid material. The aisle mats or runners shall be of an aisle-type fire-resistant rubber or equivalent, nonskid, wear-resistant and ribbed. The mats or runners shall be permanently bonded to the floor.

2. Inspect the general condition of step treads at the service door entrance and the general condition of the aisle mats or runners.

3. Reject vehicle if the:

A. Treads on the steps are not of nonskid material or if the surface material is loose; or

B. Mats or runners are loose, torn or curled.

(B) Type[s] A [and B] School Buses Only.

1. Type[s] A [and B] school buses need only be equipped with the manufacturer's original equipment as far as step treads, aisle mats or runners are concerned.

2. Reject vehicle if:

A. Not as originally equipped.

(15) Color.

(A) The school bus body shall be painted a uniform national school bus yellow, except the roof which may be white **and the flat top surface of the hood which may be non-reflective black**. The body exterior paint trim, bumper and lettering shall be black.

1. Reject vehicle if:

A. Any part of the bus body or lettering is the wrong color.

(16) Fuel Systems.

(A) Inspect the fuel tank(s), fuel lines and connections, filler tube and filler tube cap on gasoline or diesel fueled vehicles.

(B) Reject vehicle if:

1. Fuel tank(s) is not securely attached;

2. Filler tube cap is missing or does not fit; or

3. There is fuel leakage at any location.

[(A)] **(C) Inspect compressed fuel systems or the [entire] liquefied petroleum gas (LPG) system.**

[B)] **(D) Reject vehicle if:**

1. Fuel tank(s) is not securely attached to the outside of the frame rail by a system other than welding. If saddle clamps are used, on buses after December 31, 1989, either at the time of assembly or replacement, each tank must be attached with a minimum of two (2) clamps which are a minimum of three-eighths inch by two inch (3/8" x 2") steel;

2. The safety relief venting system is absent, damaged or designed so that escaping gas is directed other than upwards within forty-five degrees (45°) of the vertical (outside the bus body);

3. The safety relief venting system does not have a functional pressure sensitive closing device (cap);

4. The fuel tank(s) or any part of the fuel system is the lowest point of the vehicle; [or]

5. There are leaks at any location[.]; or

6. There is no Missouri Department of Agriculture decal on LPG systems.

(18) Tires.

(A) Inspect all school bus tires **except the spare tire** for knots, exposed cord, tread depth and proper size or type.

(B) Inspect Type A-I, B, C, or D school bus for dual rear tires.

(E) Reject any school bus if:

1. Any tire has knots or exposed cord;

2. The tread depth is less than four-thirty-seconds inch (4/32") for the front tires or less than two-thirty-seconds inch (2/32") of the rear tires when measured in any two (2) adjacent major grooves at three (3) locations equally spaced around the outside of the tire;

3. A Type A-I, B, C or D school bus is not equipped with dual rear tires;

4. Regrooved, recapped or retreaded tires are used on the front wheels; **or**

5. The tires on a given axle are of a different size or type. [/; or

6. *The spare tire is not properly mounted outside the passenger compartment of Type B, C and D buses.]*

(21) Side Windows.

(A) All full side windows must be capable of opening **at least nine inches (9")**.

(22) Out-of-Service Criteria. The following items will result in buses being put out-of-service until needed repairs are made. These criteria will be used only by Missouri State Highway Patrol personnel and are not applicable at official inspection stations:

(F) If any emergency door is inoperable from either the inside or outside **or any other emergency exit fails to open**;

[G) If any full side window is not capable of being opened;]

[H) If the red overhead warning flashers are inoperative;

[I) If the one-half inch (1/2") hex nut attached to one (1) end of a one-eighth inch (1/8") drawstring catches on the handrail and lodges between the handrail mounting bracket and the sheet metal body of the bus or the drawstring catches during the handrail drawstring test;

[J) If not equipped with the crossing arm as required or if the crossing arm does not operate when the stop signal arm and overhead warning flashers are activated; or

[K) If fuel is leaking from any part of the fuel system.

AUTHORITY: section 307.360.2, RSMo [1994] **2000** and 307.375, RSMo Supp. [1999] **2001**. Original rule filed Nov. 4, 1968, effective Nov. 14, 1968. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed Nov. 1, 2001, effective Feb. 1, 2002, expires May 31, 2002. Amended: Filed Nov. 1, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Public Safety, Missouri State Highway Patrol, PO Box 568, Jefferson City, MO 65102-0568. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division

PROPOSED AMENDMENT

11 CSR 50-2.321 Special Education Buses. The division proposes to amend subsections (4)(B) and (6)(A).

PURPOSE: These proposed amendments attempt to clarify items required to be inspected on school buses and to bring the rules into conformity with the National School Bus Standards.

(4) Restraint Systems.

(B) School buses [manufactured after March 1, 1987,] designed to accommodate individuals with special transportation needs shall contain a system of positive occupant restraint that secures the occupant.

(6) Identification.

(A) Buses with power lifts used for transporting children with physical disabilities may display the universal handicap symbols [/located on the front and rear of the vehicle] below the window line. The emblem shall [be white on blue background of high intensity reflectorized material] meet[ing] United States Department of Transportation standards [and shall not exceed twelve inches (12") in size].

AUTHORITY: section 307.360.2, RSMo [1994] **2000** and 307.375, RSMo Supp. [1997] **2001**. Original rule filed Aug. 18, 1987, effective Nov. 12, 1987. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Nov. 1, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Public Safety, Missouri State Highway Patrol, PO Box 568, Jefferson City, MO 65102-0568. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 41—General Tax Provisions

PROPOSED AMENDMENT

12 CSR 10-41.010 Annual Adjusted Rate of Interest. The department proposes to amend section (1).

PURPOSE: Under the Annual Adjusted Rate of Interest (section 32.065, RSMo), this amendment establishes the 2002 annual adjusted rate of interest to be implemented and applied on taxes remaining unpaid during calendar year 2002.

(1) Pursuant to section 32.065, RSMo, the director of revenue upon official notice of the average predominant prime rate quoted by commercial banks to large businesses, as determined and reported by the Board of Governor's of the Federal Reserve System in the Federal Reserve Statistical Release G.13(415) for the month of September of each year, has set by administrative order the annual adjusted rate of interest to be paid on unpaid amounts of taxes during the succeeding calendar year as follows:

Calendar Year	Rate of Interest on Unpaid Amounts of Taxes
1995	12%
1996	9%
1997	8%
1998	9%
1999	8%
2000	8%
2001	10%
2002	6%

AUTHORITY: section 32.065, RSMo [Supp.] 2000. Emergency rule filed Oct. 13, 1982, effective Oct. 23, 1982, expired Feb. 19, 1983. Original rule filed Nov. 5, 1982, effective Feb. 11, 1983. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed Oct. 31, 2001, effective Jan. 1, 2002, expires June 29, 2002. Amended: Filed Oct. 31, 2001.

PUBLIC COST: This proposed amendment will not cost the state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105-0629. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 54—Exemptions

PROPOSED RESCISSION

15 CSR 30-54.190 Agricultural Cooperative Association Securities. This rule prescribed the policies and procedures applicable to the exemption of the securities of agricultural cooperative associations.

PURPOSE: The commissioner of securities is proposing to rescind this rule and readopt a new rule that prescribes the timing and the content of the notice filing for securities issued by an agricultural cooperative association that are to be exempt under the Act.

AUTHORITY: section 409.413, RSMo 1986. Emergency rule filed Aug. 11, 1978, effective Aug. 23, 1978, expired Dec. 21, 1978. Original rule filed Aug. 11, 1978, effective Feb. 11, 1979. Emergency amendment filed April 6, 1983, effective April 16, 1983, expired Aug. 14, 1983. Rescinded and readopted: Filed April 6, 1983, effective July 11, 1983. Amended: Filed Oct. 15, 1987, effective Jan. 29, 1988. Rescinded: Filed Nov. 8, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner

of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 54—Exemptions Under Securities Act

PROPOSED RULE

15 CSR 30-54.190 Agricultural Cooperative Association Securities

PURPOSE: This rule prescribes the timing and content of the notice filing for securities issued by an agricultural cooperative association that are to be exempt under the Act.

(1) **Timing of the Notice Filing.** The notice filing under section 409.402(a)(5) of the Act for securities issued by an agricultural cooperative association shall comply with the following:

(A) A notice filing by the issuer must be made with the commissioner at least thirty (30) days before the initial offer or sale of the securities.

(B) The notice filing for the securities that are exempt under 409.402(a)(5) is effective for one (1) year from the date that the securities were eligible to be offered or sold under the exemption.

(C) If the securities offering is not completed during the effective period, an issuer can renew the notice filing by submitting to the commissioner a written request for renewal that includes any amendments to any documents filed with the notice filing and a fee of one hundred dollars (\$100). The renewal needs to be received by the commissioner at least thirty (30) days before the end of the one (1) year effective date.

(2) **Content of the Notice Filing.** A complete notice filing under the exemption of section 409.402(a)(5) shall consist of filing the following documents with the commissioner:

(A) A completed Form SE-1, Statement of Claim for the Exemption of Securities of a Cooperative Association;

(B) A completed Form U-2, Consent to Service of Process;

(C) A completed Form U-2A, Uniform Form of Corporate Resolution;

(D) A copy of the prospectus or offering document that shall have a minimum disclosure consisting of the following:

1. The name and address of the issuer;
2. The type of security being issued;
3. The total amount of securities being issued;
4. A risk factors section;
5. A business plan;
6. A plan of distribution section;
7. An itemized use of proceeds; and

8. Historical financial statements of the issuer for the past three (3) years or since the issuer's inception, whichever is shorter, that are in conformity with generally accepted accounting principles and have been reviewed by a certified public accountant;

(E) A copy of any advertising materials or any summaries of the offering document to be used in the offer or sale of the securities;

(F) A copy of any underwriting or selling agreements;

(G) A copy of the subscription agreement; and

(H) A filing fee of one hundred dollars (\$100).

AUTHORITY: section 409.413, RSMo 2000. Emergency rule filed Aug. 11, 1978, effective Aug. 23, 1978, expired Dec. 21, 1978. Original rule filed Aug. 11, 1978, effective Feb. 11, 1979. For intervening history, please consult the **Code of State Regulations**. Rescinded: Filed Nov. 8, 2001. Readopted: Filed Nov. 1, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 55—Hearings

PROPOSED RESCISSON

15 CSR 30-55.010 Who May Request. This rule set out who may request hearings upon matters under the Missouri Uniform Securities Act.

PURPOSE: The commissioner of securities is proposing to rescind this rule and readopt a new rule that more clearly defines who may request hearings.

AUTHORITY: sections 409.413 and 409.836, RSMo 1986. Original rule filed June 25, 1968, effective Aug. 1, 1968. Amended: Filed May 21, 1969, effective Aug. 1, 1969. Amended: Filed July 21, 1972, effective Aug. 1, 1972. Amended: Filed Nov. 15, 1974, effective Nov. 25, 1974. Amended: Filed Aug. 11, 1978, effective Feb. 11, 1979. Amended: Filed Aug. 22, 1986, effective Jan. 30, 1987. Amended: Filed July 3, 1989, effective Sept. 28, 1989. Rescinded: Filed Nov. 1, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 55—Hearings Under Securities Act

PROPOSED RULE

15 CSR 30-55.010 Who May Request

PURPOSE: This rule sets out who may request hearings upon matters under the Missouri Securities Act.

(1) Hearings Before Commissioner.

(A) Any person aggrieved by a summary postponement or suspension of a broker-dealer, agent, investment adviser, or investment adviser representative registration pursuant to section

409.204(c) may request a hearing before the commissioner. The hearing shall be governed by Chapter 536, RSMo.

(B) Any person aggrieved by the denial, suspension or revocation of a securities registration, or the denial or revocation of exemptions from registration may request a hearing before the commissioner. Pursuant to section 409.412(a) the hearing shall be governed by Chapter 536, RSMo.

(C) Any person aggrieved by the denial, revocation, suspension, summary postponement or summary suspension of a commodity broker-dealer or sales representative registration under the Missouri Commodities Code, sections 409.800–409.863, RSMo may request a hearing before the commissioner. The hearing shall be governed by Chapter 536, RSMo.

(D) Any person aggrieved by an order issued by the commissioner pursuant to Chapter 409, RSMo, except those provided for below, may request a hearing before the commissioner. The hearing shall be governed by Chapter 536, RSMo.

(2) Hearings Before the Administrative Hearing Commission.

(A) Any person aggrieved by denial of a broker-dealer, agent, investment adviser, or investment adviser representative registration by the commissioner may file a petition with the Administrative Hearing Commission in accordance with section 409.402(f), RSMo.

(B) In matters involving the revocation or suspension of the registration of broker-dealers, agents, investment advisers, or investment adviser representatives under section 409.204(a), the Securities Division shall initiate the matter by submitting to the commissioner a petition for suspension or revocation and a proposed complaint for filing before the Administrative Hearing Commission. The commissioner may then refer the matter to the Administrative Hearing Commission in accordance with section 409.204(f), RSMo. The Securities Division or counsel for the commissioner may petition the Administrative Hearing Commission for findings of fact and conclusions of law to support grounds for disqualification under section 409.204(a). The Administrative Hearing Commission shall, after opportunity for hearing, issue findings of fact and conclusions of law. The matter shall then be referred back to the commissioner for consideration of sanctions and final order.

*AUTHORITY: sections 409.413 and 409.836, RSMo 2000. Original rule filed June 25, 1968, effective Aug. 1, 1968. For intervening history, please consult the **Code of State Regulations**. Rescinded and readopted: Filed Nov. 1, 2001.*

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 55—Hearings**

PROPOSED RESCISSON

15 CSR 30-55.020 Instituting Hearing Before Commissioner.
This rule described the form and content of the request or order

for hearing, time for filing, number of copies to be filed and how notice will be served.

PURPOSE: The commissioner of securities is proposing to rescind this rule and readopt a new rule that more clearly describes the form and content of the request or order for hearing, number of copies to be filed, and how notice will be served.

AUTHORITY: sections 409.413 and 409.836, RSMo 1986. Original rule filed Aug. 11, 1978, effective Feb. 11, 1979. Amended: Filed Aug. 22, 1986, effective Jan. 30, 1987. Rescinded: Filed Nov. 1, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 55—Hearings Under Securities Act**

PROPOSED RULE

15 CSR 30-55.020 Instituting Hearing Before the Commissioner

PURPOSE: This rule describes the form and content of the request for hearing, time for filing, number of copies to be filed, the order of hearing, and how notice will be served.

(1) Request for Hearing. A request for hearing shall be filed with the commissioner by any party or interested person aggrieved by any order or refusal to make an order under this chapter. Any request for hearing shall contain:

- (A) A brief statement of the facts;
- (B) A summary of factual and legal issues involved;
- (C) A request for relief;
- (D) Suggestions in support of relief sought including relevant statutes;
- (E) The name of the party requesting the hearing; and
- (F) The name of attorney representing the party, if any.

(2) Time for Filing. Any person entitled to request a hearing in any matter within the jurisdiction of the commissioner must do so within the statutory time limits, if any, applicable in those cases. If there is no time limit, filing should be within a reasonable period of time not to exceed thirty (30) days from the date of receipt of any notice of action or refusal to take action by the commissioner.

(3) Number of Copies to be Filed. Three (3) copies of a request for hearing or other related material shall be filed with the commissioner. One (1) copy shall be served by mail on any other party to the matter.

(4) Hearing Order. The commissioner may order a hearing on any matter within his/her jurisdiction under Chapter 409, RSMo. The

commissioner may immediately set the matter for hearing, and may also schedule a prehearing conference. The hearing must be set within fifteen (15) days of filing a request for hearing. Subject to more restrictive statutory limitations, a proceeding under the provisions of these rules shall be set for a date not more than ninety (90) days from the date of request. The hearing order shall contain:

- (A) Caption and number of the case;
- (B) Name of party filing;
- (C) Time, place and date of a prehearing conference;
- (D) Time, place and date of the hearing;
- (E) If a petition was submitted by the Securities Division and the request for hearing has raised a dispute of facts or any affirmative defenses, the date an answer must be filed; and
- (F) Citation to rules promulgated by the commissioner regarding hearings.

(5) Notice to Parties. All parties and, in the discretion of the commissioner, other interested persons shall be notified promptly by the commissioner upon the filing of a request for hearing or related material filed. The commissioner shall provide notice by serving copies of all documents filed including the request for hearing and the hearing order.

AUTHORITY: sections 409.413 and 409.836, RSMo 2000. Original rule filed Aug. 11, 1978, effective Feb. 11, 1979. Amended: Filed Aug. 22, 1986, effective Jan. 30, 1987. Rescinded and readopted: Filed Nov. 1, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 55—Hearings Under Securities Act

PROPOSED RULE

15 CSR 30-55.025 General Prehearing Procedures

PURPOSE: This rule describes the general procedures for contested matters.

(1) Rules of Procedure. The hearings before the commissioner and Administrative Hearing Commission are governed by Chapter 536, RSMo. The commissioner and Administrative Hearing Commission may also be guided by the Missouri Rules of Civil Procedure.

(2) Place of Filing. If the matter is to be heard by the commissioner, all pleadings shall be filed with the commissioner. If the matter is to be heard by the Administrative Hearing Commission, all pleadings must be filed with the commission. The party filing pleadings or documents shall serve by mail copies of all filed pleadings or documents on all parties.

(3) Continuances. The commissioner shall grant written requests for continuances upon good cause shown. A hearing shall be held no later than ninety (90) days after the request for hearing unless a later date is agreed to by all parties to the matter, or justice requires a continuance, and the commissioner by order continues the hearing.

AUTHORITY: sections 409.413 and 409.836, RSMo 2000. Original rule filed Nov. 1, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 55—Hearings

PROPOSED RESCISSON

15 CSR 30-55.030 Answers and Supplementary Pleadings. This rule described the form and content of the answer and supplementary pleadings and how they shall be filed.

PURPOSE: The commissioner of securities is proposing to rescind this rule and readopt a new rule that more clearly describes the form and content of the answer and supplementary pleadings and how they shall be filed.

AUTHORITY: section 409.413, RSMo 1986. Original rule filed Aug. 11, 1978, effective Feb. 11, 1979. Rescinded: Filed Nov. 1, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 55—Hearings Under Securities Act

PROPOSED RULE

15 CSR 30-55.030 Answers and Supplementary Pleadings

PURPOSE: This rule describes the form and content of the answer and supplementary pleadings and how they shall be filed.

(1) Answers.

(A) Matters Prosecuted by Securities Division Before the Commissioner. In any proceeding in which the Securities Division has filed a petition with the commissioner, a party challenging the factual basis for an order shall file an answer to allegations made by the Securities Division in its petition. The answer shall be filed within thirty (30) days of receipt of the hearing order, unless the commissioner orders additional time. All answers shall be in writing and should admit those portions of the petition which respondent believes are true and deny those portions of the petition which respondent believes are not true. The answer shall contain a short and concise statement of those facts, which the respondent believes are true and relevant to the issues raised in the complaint. The respondent or legal counsel must sign the answer.

(B) Matters Prosecuted by Others Before the Commissioner. In those cases where an applicant has filed a petition and the Securities Division files an answer, the answer shall set forth the factual and legal basis for the action of the commissioner. Unless the answer specifically pleads that petitioner has failed to comply with 15 CSR 30-55.020, objections for failure to comply will be deemed as waived by the Securities Division. Absent a showing that the division has complied with the law and these rules, no complaint of an applicant shall be dismissed without a hearing on the merits.

(C) Matters Prosecuted by the Securities Division Before the Administrative Hearing Commission. In any proceeding that the commissioner has referred to the Administrative Hearing Commission, the respondent shall file an answer within ten (10) days after respondent receives a copy of the complaint. However, the failure to file an answer within the time provided in this rule will not prevent the Administrative Hearing Commission from holding a prehearing conference or a hearing at the time and place specified in the notice. Neither will the failure to file an answer divest the commissioner or Administrative Hearing Commission of jurisdiction to render a decision in the case.

(D) Matters Prosecuted by Others Before the Administrative Hearing Commission. In those cases where an applicant has filed a petition and the commissioner files an answer, the answer shall set forth the factual and legal basis for the action of the commissioner.

(2) Amendments and Supplementary Pleadings.

(A) A petition may be modified or amended without leave of the commissioner or Administrative Hearing Commission at any time preceding the filing of an answer or other responsive pleading by the respondent. After respondent has filed his/her responsive pleading, leave must be granted to amend or modify any petition.

(B) Answers may be modified or amended without leave of the commissioner or Administrative Hearing Commission at any time up to five (5) days preceding the date on which the hearing in the case is actually held. After this time, all modifications or amendments to answers may be made only upon leave being granted by the commissioner or Administrative Hearing Commission.

(C) Any pleading, other than a complaint or an answer, may be filed in any case pending before the Administrative Hearing Commission if leave is first granted.

AUTHORITY: section 409.413, RSMo 2000. Original rule filed Aug. 11, 1978, effective Feb. 11, 1979. Rescinded and readopted: Filed Nov. 1, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 55—Hearings

PROPOSED RESCISSON

15 CSR 30-55.040 Notice of Hearing. This rule set out when notice of hearing would be given, the content of notice, time limits of the hearing notice and date and when continuances will be granted.

PURPOSE: *The commissioner of securities is proposing to rescind this rule and readopt a new rule that simplifies the notice of hearing procedures.*

AUTHORITY: section 409.413, RSMo 1986. Original rule filed Aug. 11, 1978, effective Feb. 11, 1979. Rescinded: Filed Nov. 1, 2001.

PUBLIC COST: *This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 55—Hearings Under Securities Act

PROPOSED RULE

15 CSR 30-55.040 Notice of Hearing

PURPOSE: *This rule sets out the timing and content of the notice of hearing.*

(1) Immediately upon setting a hearing, the commissioner or Administrative Hearing Commission shall serve notice by mail on all parties to the matter. Service of notice shall be made by mailing a copy of the hearing order required by 15 CSR 30-55.020(4) to all parties. If a party cannot be reached at the last known address, notice shall be given by publication pursuant to Missouri Rule of Civil Procedure 54.17.

(2) The commissioner may serve notice of the hearing on any person the commissioner determines should have notice of the hearing.

(3) If there is a large group whose rights would be affected by the proceeding, notice will be given to a sufficient number of class

members as the commissioner determines will give adequate notice to the class.

AUTHORITY: section 409.413, RSMo 2000. Original rule filed Aug. 11, 1978, effective Feb. 11, 1979. Rescinded and readopted: Filed Nov. 1, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 55—Hearings

PROPOSED RESCISSON

15 CSR 30-55.050 Prehearing Conferences. This rule described the setting and subject matter of the prehearing conference.

PURPOSE: The commissioner of securities is proposing to rescind this rule and readopt a new rule that more clearly describes the setting and subject matter of the prehearing conference.

AUTHORITY: section 409.413, RSMo 1986. Original rule filed Aug. 11, 1978, effective Feb. 11, 1979. Rescinded: Filed Nov. 1, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 55—Hearings Under Securities Act

PROPOSED RULE

15 CSR 30-55.050 Prehearing Conferences

PURPOSE: This rule describes the setting and subject matter of the prehearing conference.

(1) Setting.

(A) In proceedings before the commissioner all prehearing conferences shall be held within thirty (30) days of the hearing order issued by the commissioner, unless continued by the commissioner for good cause.

(B) In proceedings before the Administrative Hearing Commission, any party or legal counsel may petition the Administrative Hearing Commission to hold a prehearing conference at a time prior to the setting of a conference by order of the commission.

(C) The legal counsel who will actually handle the hearing shall be present at all prehearing conferences, unless excused by the commissioner or Administrative Hearing Commission. Parties to an action may appear in person with counsel at a prehearing conference.

(2) Subject Matter.

(A) Legal counsel for all parties shall attend the prehearing conference and be prepared to discuss the following items:

1. The simplification of the issues;
2. The necessity or desirability of amendments to the pleadings;
3. The possibility of obtaining admission of fact and of documents which will avoid unnecessary proof;
4. The limitation of the number of expert and character witnesses;
5. A discovery schedule, if necessary for the orderly administration of the proceeding;
6. The manner and conditions upon which depositions can be taken;
7. Schedule for disposition of any prehearing motions that have been filed;
8. The anticipated length of the hearing and the time and location of conducting the hearing; and
9. Other matters as may aid in the disposition of the action.

AUTHORITY: section 409.413, RSMo 2000. Original rule filed Aug. 11, 1978, effective Feb. 11, 1979. Rescinded and readopted: Filed Nov. 1, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 55—Hearings

PROPOSED RESCISSON

15 CSR 30-55.070 Record of Hearing. This rule stated what may be included in the record of the hearing.

PURPOSE: The commissioner of securities is proposing to rescind this rule and readopt a new rule that requires the suitable recording of all proceedings and more clearly describes the contents of the record.

AUTHORITY: section 409.413, RSMo 1986. Original rule filed Aug. 11, 1978, effective Feb. 11, 1979. Rescinded: Filed Nov. 1, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 55—Hearings Under Securities Act

PROPOSED RULE

15 CSR 30-55.070 Record of Hearing Before the Commissioner

PURPOSE: This rule states what shall be included in the record of the hearing.

(1) Pursuant to section 536.070, RSMo, the commissioner will cause all proceedings to be suitably recorded either electronically or by court reporter.

(2) Upon the request and at the expense of any party to the proceeding, the commissioner will cause the hearing to be transcribed. Any other party may obtain a copy of the transcript upon payment of the costs of preparation.

(3) The record for judicial review will contain:

(A) If requested and paid for by the requesting party, the transcript of any proceedings;

(B) All petitions, answers, motions, discovery pleadings, and other materials or documents filed by any party with or subsequent to the request for hearing;

(C) All documents and exhibits submitted as evidence;

(D) All matters officially noticed;

(E) Formal questions and offers of proof, objections and rulings; and

(F) All written decisions and orders of the commissioner including his/her findings of fact, conclusions of law, and final order.

AUTHORITY: section 409.413, RSMo 2000. Original rule filed Aug. 11, 1978, effective Feb. 11, 1979. Rescinded and readopted: Filed Nov. 1, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 15—ELECTED OFFICIALS

Division 30—Secretary of State

Chapter 55—Hearings

PROPOSED RESCISSION

15 CSR 30-55.080 Discovery. This rule told the manner in which depositions and interrogatories may be taken.

PURPOSE: The commissioner of securities is proposing to rescind this rule and readopt a new rule that more clearly outlines the procedures for, and provides time limits on, discovery.

AUTHORITY: section 409.413, RSMo 1986. Original rule filed Aug. 11, 1978, effective Feb. 11, 1979. Rescinded: Filed Nov. 1, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 15—ELECTED OFFICIALS

Division 30—Secretary of State

Chapter 55—Hearings Under Securities Act

PROPOSED RULE

15 CSR 30-55.080 Discovery

PURPOSE: This rule outlines procedures for, and permits time limits on, discovery.

(1) **Discovery Schedule.** The commissioner or the Administrative Hearing Commission may issue orders setting reasonable time limits for completion of discovery and may shorten or lengthen the time parties have to file answers to discovery requests.

(2) **Interrogatories.** Any party may serve upon any other party written interrogatories, upon and under the same conditions, as in civil actions in the circuit court pursuant to Missouri Rules of Civil Procedure, Rule 57, except as limited by section 536.073, RSMo.

(3) **Depositions.** Any party may take and use depositions in the same manner, upon and under the same conditions, as in civil actions in the circuit court pursuant to Missouri Rules of Civil Procedure, Rule 57, except as limited by section 536.073, RSMo.

(4) **Requests for Production of Documents and Things.** Any party may serve upon any other party a request for documents and things, upon and under the same conditions, as in civil actions in the circuit court pursuant to Missouri Rules of Civil Procedure, Rule 58, except as limited by section 536.073, RSMo.

(5) **Admission of Facts and of Genuineness of Documents.** Any party may serve upon any other party a written request for the admission of facts or of the genuineness of documents, upon and under the same conditions, as in civil actions in the circuit court

pursuant to Missouri Rules of Civil Procedure, Rule 59, except as limited by section 536.073, RSMo.

(6) Enforcement of Discovery: Sanctions. The commissioner or the Administrative Hearing Commission may enforce discovery or sanction parties, upon and under the same conditions, as in civil actions in the circuit court pursuant to Missouri Rules of Civil Procedure, Rule 61, except as limited by section 536.073, RSMo.

AUTHORITY: section 409.413, RSMo 2000. Original rule filed Aug. 11, 1978, effective Feb. 11, 1979. Rescinded and readopted: Filed Nov. 1, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 15—ELECTED OFFICIALS Division 30—Secretary of State Chapter 55—Hearings

PROPOSED RESCISSON

15 CSR 30-55.090 Procedure and Evidence. This rule stated the procedures and rules of evidence to be followed at the hearing.

PURPOSE: The commissioner of securities is proposing to rescind this rule and readopt a new rule that more clearly states the procedures and rules of evidence to be followed at the hearing.

AUTHORITY: section 409.413, RSMo 1986. Original rule filed Aug. 11, 1978, effective Feb. 11, 1979. Rescinded: Filed Nov. 1, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 15—ELECTED OFFICIALS Division 30—Secretary of State Chapter 55—Hearings *Under Securities Act*

PROPOSED RULE

15 CSR 30-55.090 Procedure at Hearing

PURPOSE: This rule states the procedures and rules of evidence to be followed at the hearing.

(1) Prehearing Motions. The commissioner or Administrative Hearing Commission may consider any motions to dismiss, motion to vacate, motions for summary judgment, or any other dispositive motions prior to commencement of the hearing on the merits.

(2) Evidence. The order in which the evidence will be presented is as follows:

(A) The Securities Division shall present its evidence first. The burden of proof in a hearing on the merits in matters relating to an order of the commissioner, or the failure of the commissioner to act, shall be on the Securities Division. The burden of proof for affirmative defenses, including exemptions and exceptions from definition, shall be upon the party claiming the affirmative defense.

(B) All witnesses may be cross-examined on any relevant issue even though that matter was not the subject of direct examination and may be impeached regardless of which party first called him/her to testify;

(C) Other parties shall then present their evidence;

(D) Each party has the right to rebut the evidence presented;

(E) The commissioner and Administrative Hearing Commission shall have the authority to administer oaths and affirmations, to rule on the admission or inclusion of evidence, and to take the necessary steps to insure a fair and orderly conduct of the hearing. S/he shall follow section 536.070, RSMo governing admission of evidence in administrative hearings; and

(F) The commissioner and Administrative Hearing Commission shall take official notice of all matters of which courts take judicial notice. Technical facts, not judicially cognizable may be officially noted if they are within his/her competence provided that the parties are notified and are given a chance to contest these facts or show that official notice would not be proper.

(3) Closing Arguments. All parties may make closing statements. The party with the burden of proof shall have the opportunity for rebuttal argument.

AUTHORITY: section 409.413, RSMo 2000. Original rule filed Aug. 11, 1978, effective Feb. 11, 1979. Rescinded and readopted: Filed Nov. 1, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 15—ELECTED OFFICIALS Division 30—Secretary of State Chapter 55—Hearings

PROPOSED RESCISSON

15 CSR 30-55.110 Briefs. This rule stated when briefs may be filed and answered.

PURPOSE: The commissioner of securities is proposing to rescind this rule and readopt a new rule stating when motions and

suggestions may be filed and answered, and more clearly explaining when briefs may be filed and answered.

AUTHORITY: section 409.413, RSMo 1986. Original rule filed Aug. 11, 1978, effective Feb. 11, 1979. Rescinded: Filed Nov. 1, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 55—Hearings Under Securities Act

PROPOSED RULE

15 CSR 30-55.110 Motions, Suggestions and Legal Briefs

PURPOSE: This rule states when motions, suggestions and legal briefs may be filed and answered.

(1) **Motions and Suggestions.** Each party shall be entitled to file motions and to present written suggestions, accompanied by oral argument if the party so chooses. Motions and written suggestions may be filed at any time during the pendency of the proceeding. Opposing parties shall file any responsive pleadings within five (5) business days, unless the commissioner or Administrative Hearing Commission grants additional time.

(2) **Briefs.** At any time prior to submitting the case for consideration at the close of the hearing, a party may seek leave to file a brief. If leave is granted, a party shall have twenty (20) days after leave is granted to prepare and file its brief. The other parties will be given twenty (20) days to file responsive briefs. Three (3) copies of briefs must be filed with the commissioner or Administrative Hearing Commission. The filing party shall also mail all briefs filed to all other parties.

AUTHORITY: section 409.413, RSMo 2000. Original rule filed Aug. 11, 1978, effective Feb. 11, 1979. Rescinded and readopted: Filed Nov. 1, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 55—Hearings Under Securities Act

PROPOSED AMENDMENT

15 CSR 30-55.220 Hearing Officers. The commissioner of securities is proposing to amend section (1).

PURPOSE: This amendment simplifies the provision for the appointment of hearing officers by the secretary of state.

(1) In all proceedings [initiated under a provision of the Missouri Uniform Securities Act which require that the commissioner make a final decision] before the **commissioner initiated under provisions of Chapter 409, RSMo**, the secretary of state or his/her designee may appoint a hearing officer to conduct the proceeding.

AUTHORITY: section 409.413, RSMo [1986] **2000**. Original rule filed Aug. 3, 1992, effective April 8, 1993. Amended: Filed Nov. 1, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS
Division 20—Missouri Local Government Employees'
Retirement System (LAGERS)
Chapter 2—Administrative Rules

PROPOSED RULE

16 CSR 20-2.056 Lump-Sum Cash Payout of Retirement Allowance

PURPOSE: This rule establishes the circumstances under which a member or former member may receive a lump-sum cash payout in lieu of a monthly benefit, as provided for in section 70.660.1(4), RSMo 2000 regarding optional retirement elections.

(1) A member or former member who is entitled to a retirement allowance, as defined in section 70.655 or section 70.765, RSMo 2000, may, in accordance with section 70.660.1(4), elect to receive a lump-sum cash payout at retirement that is the actuarial equivalent of the retirement allowance otherwise payable, provided that the value of the reserve at the time of payment is less than ten thousand dollars (\$10,000).

(2) The election to receive a lump-sum cash payment must be made before the first payment of a retirement allowance becomes due and payable, but not thereafter.

(3) The reserve value of the lump-sum payout shall be calculated at the time of the member or former member's retirement.

(4) A member or former member electing to receive a lump-sum cash payout pursuant to the provisions of this rule shall do so by electing payment under Option "D" on the LRS-9, "Election of Allowance Option" form.

AUTHORITY: section 70.605.21, RSMo 2000. Original rule filed Oct. 17, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Any interested person or entity may submit written comments in support of or in opposition to this proposed rule. Comments should be directed to the Missouri Local Government Employees' Retirement System (LAGERS), ATTN: Bill Ackerman, Chief Counsel, PO Box 1665, Jefferson City, MO 65102-1665. To be considered, comments must be received within thirty (30) days of publication of this notice in the **Missouri Register**. No public hearing is scheduled.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Any interested person or entity may submit written comments in support of or in opposition to this proposed rule. Comments should be directed to the Missouri Local Government Employees' Retirement System (LAGERS), ATTN: Bill Ackerman, Chief Counsel, PO Box 1665, Jefferson City, MO 65102-1665. To be considered, comments must be received within thirty (30) days of publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS
Division 20—Missouri Local Government Employees'
Retirement System (LAGERS)
Chapter 3—Hearings and Proceedings

PROPOSED AMENDMENT

16 CSR 20-3.010 Hearings and Proceedings. The board is amending section (3) by adding a new subsection, (3)(D).

PURPOSE: This amendment establishes the time period within which a petition for an administrative hearing must be filed.

(3) Initiation of Hearings and Proceedings.

(D) Any petition seeking an administrative hearing pursuant to the provisions of this section shall be filed with the executive secretary of the board of trustees no later than sixty (60) days from the date of notification of the decision or action upon which the petition is based.

AUTHORITY: sections 70.605.16[,] and 70.605.21, [and 70.630.3,] RSMo [1994] 2000. Original rule filed Dec. 29, 1975, effective Jan. 8, 1976. Amended: Filed Aug. 30, 2000, effective Feb. 28, 2001. Amended: Filed Oct. 17, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Any interested person or entity may submit written comments in support of or in opposition to this proposed amendment. Comments should be directed to the Missouri Local Government Employees' Retirement System (LAGERS), ATTN: Bill Ackerman, Chief Counsel, PO Box 1665, Jefferson City, MO 65102-1665. To be considered, comments must be received within thirty (30) days of publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS
Division 20—Missouri Local Government Employees'
Retirement System (LAGERS)
Chapter 2—Administrative Rules

PROPOSED RULE

16 CSR 20-2.083 Re-Employment in LAGERS-Covered Employment After Retirement

PURPOSE: This rule establishes the circumstances under which a retiree may work full-time in LAGERS-covered employment following retirement from the system, as provided for in section 70.686, RSMo 2000.

(1) A retiree who becomes employed or re-employed in a position covered by the Missouri Local Government Employees' Retirement System shall be considered a re-employed member with contributions due immediately in accordance with the provisions of sections 70.705 and 70.710, RSMo.

(2) A re-employed member shall forfeit one (1) monthly allowance payment for each calendar month in which the re-employed member renders service as a result of such employment or re-employment.

(3) A re-employed member shall become eligible to receive an additional retirement allowance upon completion of one (1) year of continuous service credit as a re-employed member, provided that such allowance shall be calculated to include only the credited service and average compensation earned by the re-employed member since the date of re-employment, if such period of employment is less than either the thirty-six (36) or sixty (60)-consecutive month final average salary period selected by the employer.

(4) If the period of re-employment is greater than the final average salary period selected by the employer, LAGERS will use all credited re-employment service, and the re-employed member's average salary for whichever final average salary period the employer has selected in calculating the additional allowance.

AUTHORITY: section 70.605.21, RSMo 2000. Original rule filed Oct. 17, 2001.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 1—Wildlife Code: Organization

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-1.010 Organization and Methods of Operation is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 17, 2001 (26 MoReg 1795). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received during the comment period.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 21—Electric Service Territorial Agreements

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 394.312 and 386.800, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-21.010 Schedule of Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 2, 2001 (26 MoReg 1312-1316). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A hearing was held on August 7, 2001, at 10:00 a.m., in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Oral testimony was received during the comment period regarding proposed rule 4 CSR 240-21.010. No written comments were received during the comment period.

COMMENT: A comment was made that the proposed language doesn't differentiate between regulated and non-regulated companies that would come before the Missouri Public Service Commission in a territorial dispute. Regulated companies already pay an annual assessment, which non-regulated companies do not pay, and the regulated company will be asked to pay again, along with the non-regulated company, in a territorial dispute.

RESPONSE: The Commission thanks all parties for their valuable comments. Fees collected under the existing rule and under the proposed amendment are credited to the Public Service Commission fund, section 394.312.7, RSMo 2000, and any amount remaining in the fund at the end of any fiscal year reduces the succeeding years assessment in accordance with section 386.370.4, RSMo 2000. Therefore the assessment paid by regulated companies does not include amounts for the Commission resolving territorial matters under sections 394.312 and 386.800, RSMo 2000 and regulated utilities are not paying twice for Commission services. Non-regulated utilities do not pay an assessment, however as with regulated utilities a non-regulated utility will pay fees for the Commission resolving territorial matters and the fees collected will be credited to the Public Service Commission fund. The proposed language will also charge fees for the resolution of annexation matters as previously there was no language addressing this issue.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 51—Water Service Territorial Agreements

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 247.172, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-51.010 Schedule of Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 2, 2001 (26 MoReg 1317-1319). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A hearing was held on August 7, 2001, at 11:00 a.m., in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Oral testimony and written comments were received during the comment period regarding proposed amendment 4 CSR 240-51.010.

COMMENT: A comment was made that the increase in fees is opposed on the premise that the fees would be paid twice. The Missouri Public Service Commission bills all public utilities for the estimated cost of regulating public utilities and also will again charge regarding the territorial dispute.

RESPONSE: The Commission thanks all parties for their valuable comments. Fees collected under the existing rule and under the proposed amendment are credited to the Public Service Commission fund, section 247.172.7, RSMo 2000, and any amount remaining in the fund at the end of any fiscal year reduces the succeeding years assessment in accordance with section 386.370.4, RSMo 2000. Therefore, the assessment does not include amounts for the Commission resolving territorial matters under section 247.172, RSMo 2000 and utilities are not paying twice for Commission services.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 50—Division of School Improvement
Chapter 345—Missouri School Improvement Program

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 160.518, 160.545, 161.092, 161.210 and 163.031.5(3), RSMo 2000, the board amends a rule as follows:

5 CSR 50-345.020 Policies on Waiver of Regulations is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 2, 2001 (26 MoReg 1320-1321). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 80—Teacher Quality and Urban Education
Chapter 850—Professional Development

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 161.092 and 168.600, RSMo 2000, the board adopts a rule as follows:

5 CSR 80-850.025 Missouri Critical Teacher Shortage Forgivable Loan Program is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 1, 2001 (26 MoReg 1503-1505). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 7—Personal Care Assistance Program

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 161.092, 178.661 and 178.673, RSMo 2000, the board amends a rule as follows:

5 CSR 90-7.010 Definitions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2001 (26 MoReg 1506-1508). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 7—Personal Care Assistance Program

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 161.092, 178.662, 178.666 and 178.673, RSMo 2000, the board adopts a rule as follows:

5 CSR 90-7.100 Eligibility is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 1, 2001 (26 MoReg 1508-1510). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 7—Personal Care Assistance Program

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 161.092, 178.662, 178.664, 178.666, 178.669 and 178.673, RSMo 2000, the board adopts a rule as follows:

5 CSR 90-7.200 Providers is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 1, 2001 (26 MoReg 1511-1513). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The State Board of Education received two (2) letters of comment.

COMMENT: Two (2) centers for independent living submitted comments regarding the exclusion of spouses as personal care attendants.

RESPONSE: The State Board of Education has carefully reviewed the comments and has decided that there is no cause for a change to its proposed rule. In addition, the board would add that Federal Medicaid regulations do not allow spouses to serve as attendants.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 7—Personal Care Assistance Program**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 161.092, 178.671 and 178.673, RSMo 2000, the board adopts a rule as follows:

5 CSR 90-7.300 Appeals is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 1, 2001 (26 MoReg 1514). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 7—Personal Care Assistance Program**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 161.092, 178.671 and 178.673, RSMo 2000, the board adopts a rule as follows:

5 CSR 90-7.310 Informal Review is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 1, 2001 (26 MoReg 1514). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 7—Personal Care Assistance Program**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 161.092, 178.671 and 178.673, RSMo 2000, the board adopts a rule as follows:

5 CSR 90-7.320 Hearings is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 1, 2001 (26 MoReg 1514–1515). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 70—Missouri Assistive Technology Advisory
Council
Chapter 1—Assistive Technology Programs**

ORDER OF RULEMAKING

By the authority vested in the Missouri Assistive Technology Advisory Council under section 191.865, RSMo 2000, the council adopts a rule as follows:

**8 CSR 70-1.020 Assistive Technology Loan Program is
adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 15, 2001 (26 MoReg 1568–1570). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 2—Membership and Benefits**

ORDER OF RULEMAKING

By the authority vested in the County Employees' Retirement Board under sections 50.1000, 50.1210–50.1260, RSMo 2000, the board amends a rule as follows:

16 CSR 50-2.130 Direct Rollover Option is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2001 (26 MoReg 1571). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 100—Division of Credit Unions

**ACTIONS TAKEN ON
APPLICATIONS FOR NEW GROUPS OR
GEOGRAPHIC AREAS**

Pursuant to section 370.081(4), RSMo 2000, the director of the Missouri Division of Credit Unions is required to cause notice to be published that the director has either granted or rejected applications from the following credit unions to add new groups or geographic areas to their membership and state the reasons for taking these actions.

The following applications have been granted. These credit unions have met the criteria applied to determine if additional groups may be included in the membership of an existing credit union and have the immediate ability to serve the proposed new groups or geographic areas. The proposed new groups or geographic areas meet the requirements established pursuant to 370.080(2), RSMo 2000.

Credit Union	Proposed New Group or Geographic Area
Missouri Family Credit Union 3435 South Noland Road Independence, MO 64055	People who live or work in the following zip codes: 64125, 64050, 64051

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 100—Division of Credit Unions

**APPLICATIONS FOR NEW GROUPS OR
GEOGRAPHIC AREAS**

Pursuant to section 370.081(4), RSMo 2000, the director of the Missouri Division of Credit Unions is required to cause notice to be published that the following credit unions have submitted applications to add new groups or geographic areas to their membership.

Credit Union	Proposed New Group or Geographic Area
Northwest Missouri Regional Credit Union 1000 N. College Drive Maryville, MO 64468	Any persons who reside or work in Nodaway County
St. Louis Telephone Employees' Credit Union 4650 Hampton Avenue St. Louis, MO 63109-2714	Individuals who reside or work in St. Louis County, St. Charles County, Jefferson County, and Franklin County
Electro Savings Credit Union 1805 Craigshire Drive St. Louis, MO 63146	Individuals who reside or work in St. Louis City, St. Louis County, St. Charles County, and Jefferson County
St. Louis Community Credit Union 3651 Forest Park Avenue St. Louis, MO 63118	Individuals who live or work in 63111, 63118, 63117, 63119, 63143, and 63144

NOTICE TO SUBMIT COMMENTS: Anyone may file a written statement in support of or in opposition to any of these applications. Comments shall be filed with: Director, Division of Credit Unions, PO Box 1607, Jefferson City, MO 65102. To be considered, written comments must be submitted no later than ten (10) business days after publication of this notice in the *Missouri Register*.

Title 19—DEPARTMENT OF HEALTH
Division 60—Missouri Health Facilities
Review Committee
Chapter 50—Certificate of Need Program

APPLICATION REVIEW SCHEDULE

DATE FILED:

APPLICATION PROJECT NO. &
NAME/COST & DESCRIPTION/
CITY & COUNTY

The Missouri Health Facilities Review Committee has initiated review of the applications listed below. Decisions are tentatively scheduled for the December 3, 2001, Certificate of Need meeting. These applications are available for public inspection at the address shown below:

09/24/01

#3111 RP: Carl Junction Guest House

Carl Junction (Jasper County)

\$53,300, Long-term care (LTC) bed expansion through the purchase of 6 residential care facility (RCF) II beds from St. Louis Guest House, St. Louis (St. Louis City)

10/02/01

#3166 RS: Lakewood Residential Care Center, Springfield (Greene County)

\$100, Replace 11-bed RCF I

10/19/01

#3186 NS: Bentley's Extended Care

St. Louis (St. Louis County)

\$55,000, Replace 15-bed intermediate care facility (ICF) with a 15-bed skilled nursing facility (SNF)

#3182 RS: Branson Meadows Assisted Living, Branson (Taney County)

\$3,000,000, Replace 60-bed RCF II

10/22/01

#3119 NP: Christian Health Care of Nevada, Nevada (Vernon County)

\$289,167, LTC bed expansion through the purchase of 8 SNF beds from Christian Health Care of Springfield West, Springfield (Greene County)

#3188 RS: Vintage Park of St. Joseph, LLC

St. Joseph (Buchanan County)

\$3,159,130, Replace 36-bed RCF II

#3169 RS: Cedar Rest Retirement Home

Poplar Bluff (Butler County)

\$198,000, Replace 12-bed RCF I

10/23/01

#3172 NP: Frene Valley Healthcare South
Owensville (Gasconade County)
\$1,000,000, LTC bed expansion through the purchase of 14
SNF beds from Frene Valley Health Center, Hermann
(Gasconade County)

#3187 NS: Legacy Healthcare
St. John (St. Louis County)
\$1,925,000, Replace 36-bed ICF
with 36-bed SNF

#3184 RP: Hillside Care Center
Hannibal (Marion County)
\$108,082, LTC bed expansion through the purchase of 10 RCF
II beds from Shelbina Villa Lifecare, Shelbina (Shelby County)

#3180 RS: Elliott Place
Raytown (Jackson County)
\$1,800,000, Replace 24 RCF II beds

Any person wishing to request a public hearing for the purpose of commenting on any of these applications must submit a written request to this effect, which must be received by November 26, 2001. All written requests and comments should be sent to:

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
915 G Leslie Boulevard
Jefferson City, MO 65101

For additional information contact
Donna Schuessler, 573-751-6403.

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000 to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript.

**NOTICE OF DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS AGAINST
Community Investment Partners, L.P., a Missouri limited partnership.**

On September 26, 2001, Community Investment Partners, L.P., a Missouri limited partnership, filed its certificate of cancellation with the Missouri Secretary of State. Cancellation was effective on September 26, 2001.

Said limited partnership requests that all persons and organizations with claims against it present them, in accordance with this notice, immediately by letter to the limited partnership at 12555 Manchester Road, St. Louis, MO 63131.

All claims shall include: the name and address of the claimant; the amount claimed; the basis for the claim; and the date(s) on which the event(s) on which the claim is based occurred.

NOTICE: Because of the dissolution of Community Investment Partners, L.P., any claims against it will be barred unless a proceeding to enforce the claim is commenced within three years after the publication date hereof.

Date of Publication: December 3, 2001

OFFICE OF ADMINISTRATION
Division of Purchasing

BID OPENINGS

Sealed Bids in one (1) copy will be received by the Division of Purchasing, Room 580, Truman Building, PO Box 809, Jefferson City, MO 65102, telephone (573) 751-2387 at 2:00 p.m. on dates specified below for various agencies throughout Missouri. Bids are available to download via our homepage: www.moolb.state.mo.us. Prospective bidders may receive specifications upon request.

B3E02069 Elevator Reviewer 12/4/01;
B1E02111 Tractors 12/5/01;
B1E02130 Kitchen Equipment: Convection Oven 12/5/01;
B1E02131 Tractors w/Mounted Boom Mowers 12/5/01;
B2Z02033 Network Transport Services 12/5/01;
B3Z02074 Public Educational Campaign 12/5/01;
B1E02127 Equipment: Environmental Health Meters & Monitors 12/6/01;
B2Z02025 Sales & Inventory Software System 12/6/01;
B3E02102 Janitorial Services 12/10/01;
B3Z02054 Missouri Assessment Program (MAP) Services 12/17/01;
B3Z02059 WIC Funding Analysis 12/17/01.

It is the intent of the state of Missouri, Division of Purchasing to purchase the following as a single feasible source without competitive bids. If suppliers exist other than the one identified, contact (573) 751-2387 immediately.

GED Test Scoring, supplied by Oklahoma Scoring Service, Inc.

1.) Missouri Life Sciences Research Account Program Design Assistance, supplied by Washington Advisory Group, LLC. 2.) Regional Arthritis Center, supplied by Arthritis Foundation, Eastern Chapter. 3.) Xerox Equipment, Upgrades, Maintenance & Financing, supplied by Xerox Corporation.

James Miluski, CPPO,
Director of Purchasing

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—24 (1999), 25 (2000) and 26 (2001). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable and RUC indicates a rule under consideration.

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3 CSR 10-5.560	Conservation Commission	26 MoReg 1897			
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3 CSR 10-9.442	Conservation Commission	N.A.	26 MoReg 1928		
3 CSR 10-11.115	Conservation Commission	N.A.	26 MoReg 2158		
3 CSR 10-11.160	Conservation Commission	N.A.	26 MoReg 2158		
3 CSR 10-11.182	Conservation Commission	26 MoReg 1901			
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4 CSR 110-2.180	Missouri Dental Board.....		.26 MoReg 1423R .26 MoReg 1423		
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19 CSR 30-88.010	Division of Health Standards and Licensure			26 MoReg 2186	
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19 CSR 30-90.060	Division of Health Standards and Licensure..... <i>(Changed from 13 CSR 15-8.060)</i>			.26	MoReg 2184		
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2 CSR 10-5.010	Rules Governing Livestock Purchases by Packers	February 28, 2002
2 CSR 10-5.015	Public Complaint Handling and Disposition Procedure for Missouri Livestock Marketing Law	April 23, 2002
2 CSR 30-2.010	Health Requirements Governing the Admission of Livestock, Poultry and Exotic Animals Entering Missouri	May 10, 2002
2 CSR 30-2.040	Animal Health Requirements for Exhibition	May 10, 2002
2 CSR 30-6.020	Duties and Facilities of the Market/Sale Veterinarian	May 10, 2002

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4 CSR 10-2.041	Eligibility Requirements for the C.P.A. Examination	May 23, 2002
4 CSR 10-2.061	Requirements for an Initial Permit to Practice	May 23, 2002
4 CSR 10-2.160	Fees	January 15, 2002
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13 CSR 70-15.110	Federal Reimbursement Allowance (FRA)	December 8, 2001
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19 CSR 10-33.010	Reporting Patient Abstract Data by Hospitals and Ambulatory Surgical Centers	January 10, 2002
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